STUDIES IN MEDIEVAL AND REFORMATION TRADITIONS

Between Creativity and Norm-Making

Tensions in the Early Modern Era

Edited by

Sigrid Müller & Cornelia Schweiger

SERIES EDITOR

Andrew Colin Gow

BRILL

Between Creativity and Norm-Making

Studies in Medieval and Reformation Traditions

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The titles published in this series are listed at brill.com/smrt

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Tensions in the Later Middle Ages and the Early Modern Era

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Cornelia Schweiger

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LEIDEN • BOSTON
2013

Cover illustration: Island of Treasures © Freesurf, Fotoalia.com.

Library of Congress Cataloging-in-Publication Data

Between creativity and norm-making : tensions in the early modern era / edited by Sigrid Muller, Cornelia Schweiger.
p. cm. — (Studies in medieval and Reformation traditions, 1573–4188 ; v. 165)
Includes bibliographical references and index.
ISBN 978-90-04-24068-1 (alk. paper)—ISBN 978-90-04-24077-3 (e-book) 1. Ethics—History—To 1500. I. Mueller, Sigrid. II. Schweiger, Cornelia.

BJ231.B48 2012
170.9'024—dc23

2012032730

This publication has been typeset in the multilingual "Brill" typeface. With over 5,100 characters covering Latin, IPA, Greek, and Cyrillic, this typeface is especially suitable for use in the humanities. For more information, please see www.brill.com/brill-typeface.

ISSN 1573-4188
ISBN 978-90-04-24068-1 (hardback)
ISBN 978-90-04-24077-3 (e-book)

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This book is printed on acid-free paper.

The editors would like to thank the Austrian Science Fund (FWF) for funding the initial workshop in Vienna as part of the research project "From Theory to Practice (1350–1500)" (Nr. PT 214-G10). The first versions of most of the contributions to this volume were presented at this workshop.

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INTRODUCTION: BETWEEN CREATIVITY AND NORM-MAKING

Sigrid Müller/Cornelia Schweiger

Between Creativity and Norm-making: Tensions in the Early Modern Era—this title marks the two poles of a movement that the following articles observe from different angles during the period of the Later Middle Ages and the onset of early modernity (1400–1550).[1] Interpretations of social, ethical-political and church-related developments show contrasting tendencies—from an enthusiasm to discover new horizons to a more fearful concern to establish regulations in all areas of life.

Nevertheless, creativity and norm-making cannot be seen as diametrical opposites. Creativity must always be a part of a new process; without creativity, no new norm would ever be necessary. At the same time, however, the question that needs to be answered is how much creativity was seen as good in particular fields as they existed in particular periods, and who was responsible for the regulative system.

Surely the period of Early Modernity can be regarded as a period which, to an extent unknown till then, brought about radical changes that had profound influences upon church, society and politics, the most important ones probably being the changes in the way that people geographically conceived the world. Frontiers shifted, dangerous waters were crossed, and new continents were discovered.[2] The developments of the natural sciences and new discoveries in that field questioned some beliefs and

[1] The chronological limits of the Later Middle Ages which, from a historical perspective, mark also the beginnings of the period of early modernity, are open to debate, but are usually linked to the discovery of America by Christopher Columbus in 1492, while the cultural movement of the Renaissance (about 1400–1700) overlaps the two historical periods.

[2] The explorations by Vasco da Gama and Columbus marked the most important changes in the geographical world-view since classical antiquity. See Hans Schelkshorn, *Entgrenzungen. Ein europäischer Beitrag zum Diskurs der Moderne* (Weilerswist, 2009), 208. See also the two contributions in this volume: Henrik Wels, "Anthropology Before and After the Discovery of America. Continuity and Change in the Questions of the Sameness of the Souls" and Hans Schelkshorn, "The Change of Geographical Worldviews. The Constitution of a Modern Cosmopolism by Francisco de Vitoria".

sometimes seemed to undermine the fundaments of ecclesial teaching.[3] The new technique of printing offered a much larger section of the population access to books,[4] allowing new ideas to spread much quicker than ever before.

During the fifteenth century, the creativity of human beings becomes an explicit topic in philosophical discussion and is seen very positively.[5] One of the best examples[6] is Pico della Mirandola, who even talks about the self-creation of human beings;[7] Erasmus of Rotterdam also thought along these lines.[8] An optimistic vision of the human being had begun to dominate; many began to create and shape their own lives, thus underlining the responsibility that humans should ideally have for their own personal development. Through their own actions, human beings could make the best or the worst both of themselves and of their societies. The foundation of the Jesuits by St. Ignatius of Loyola at the beginning of the early modern era can be regarded as an example of creative freedom in a religious context. Though well acquainted with monastic traditions, Ignatius decided to establish a new form of religious commitment because he understood that the new times required new modes of spiritual and pastoral practice.[9]

In this context of creativity and freedom, it is not surprising that questions of moral norms and behavior gained importance, either on an

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[3] The most prominent example is the change from a geocentric to a heliocentric worldview. The trial of Galileo in 1633 is a famous example of how the Institutional Church dealt with it. Galileo advocated the Copernican doctrine of heliocentrism, a trial which was studied anew and which ended in the official rehabilitation of Galilei by John Paul II in 1992.

[4] Starting most probably in 1448, Johannes Gutenberg, who is believed to have introduced modern book printing, started with smaller prints and then with the first prints of his "Gutenberg Bible". See Hans-Joachim Koppitz, "Gutenberg", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., 2009), 4: 1117.

[5] Schelkshorn, *Entgrenzungen*, 163.

[6] A representative of a theological line of thought is Nicolas of Cusa, Cusanus, who placed human creative powers in an analogical relationship with the creative power of God. See Schelkshorn, *Entgrenzungen*, 163.

[7] See the chapter about the self-creation of human nature: "Entgrenzungen der menschlichen Natur durch die Idee der Selbstkreation in Pico della Mirandolas *Oratio de hominis dignitate*", Schelkshorn, *Entgrenzungen*, 163–205.

[8] The saying of Erasmus: "Homines non nascuntur, sed finguntur" is programmatic. See Heribert Smolinsky, "The Better Human Being. The Dispute on Morality in Humanism and the Reformation" in this volume.

[9] See Marianne Schlosser, "'…den Seelen helfen'. Neues und Traditionelles in der Spiritualität des Ignatius von Loyola und der ersten Jesuiten" in this volume.

individual or on a social level.[10] One important question was how to guide people to become better human beings.[11]

But these developments did not come out of nowhere. The ground for this new understanding of what it means to be human must have been laid earlier. A turn towards more practical issues could be seen concerning conduct during the fifteenth century, a turn which could be observed in the development of the notion of conscience. While an ontological-speculative approach to conscience prevailed in mediaeval scholasticism, the same theme was addressed from a far more pastoral and practical perspective in the early modern period.[12] This practical turn is characteristic of the period's theology as a whole. While scholastic theology mainly addressed academic theologians, a new tendency emerged during the late Middle Ages, which addressed non-academic clergy and lay people. The focus was to enable people to lead a pious life. Berndt Hamm suggested calling this phenomenon The Theology of Piety ("Frömmigkeitstheologie").[13] In trying to speak the language of the "simple" people, it focused on questions relevant to gaining salvation only and therefore left out speculative and purely philosophical questions. Methodically, theological knowledge and spiritual experience were brought down to a basic level in order to emphasize the elements important for salvation and a pious lifestyle. Simplification, or as Hamm calls it, religious centralization,[14] was the ruling principle.[15]

The emphasis on the responsibility of individuals for their own personal salvation that is expressed in Late Mediaeval concepts of conscience and also of virtue, and which might have contributed to a greater sense of personal freedom and of self-estimation, seems to have set off opposing

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[10] Examples of how people coped with different moral situations are given in Schüssler's article: Rudolf Schüssler, "Business Morality at the Dawn of Modernity. The Cases of Angelo Corbinelli and Cosimo de' Medici" in this volume.

[11] Heribert Smolinsky, "The Better Human Being. The Dispute on Morality in Humanism and the Reformation" in this volume.

[12] On the role of the development of conscience in this regard, see the contribution of Thomas Brogl, " 'yeglichs nach sin vermugen'. See also Johannes Nider's "Idea of Conscience" in this volume.

[13] See Berndt Hamm, *Frömmigkeitstheologie am Anfang des 16. Jahrhunderts. Studien zu Johannes von Paltz und seinem Umkreis* (Tübingen, 1982).

[14] For a better understanding of this term see Berndt Hamm, *Religiosität im späten Mittelalter. Spannungspole, Neuaufbrüche, Normierungen* (Tübingen, 2011), 40.

[15] See Hamm, *Religiosität*, 17.

tendencies towards the turn of the sixteenth century, and social concerns and norms regained importance.[16]

In a similar way, on a religious and ecclesial level, the reform movements led by Martin Luther and John Calvin, and the official Catholic Response with the Council of Trent (1545–1563) were dramatic events that had long-lasting effects upon social and ethical-political reasoning. The drive for reform and the Catholic response had, in their different ways, responded to the new ideas, which, along with the new insights and practices that they brought, stood against many of the old norms and practices.[17]

The new forces were capable of releasing the creativity of those living in the age, and of providing them with a much greater sense of their individual freedom. Yet, as the field of musical theory, to take only one example, shows, new developments sometimes were only possible if they could claim the support of highly regarded authorities from the past for newly forwarded in principle original ideas.[18] With respect to early modernity, we have to ask even more basically whether these forces brought about an excess of new possibilities and opportunities and a consequent sense of insecurity. Did this in turn trigger a demand for stricter measures of security, as well as for norms and regulations that could serve as the foundation upon which people could build their lives?

Agreeing might be too simplistic a response. It was not necessarily only norms and rules people craved for; daily pressures might have influenced peoples' lives just as, or even more, powerfully. For example, after a long period of Christ being regarded as a severe judge during the eleventh century, he began to be seen more as the merciful Christ of the passion, who would intervene for his people before the Father. This latter image came to play an important role in the devotional lives of people,[19] and might well have exercised a stronger influence on religious practice than did norms.

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[16] See Sigrid Müller, "From Virtue Ethics to Normative Ethics? Tracing paradigm shifts in fifteenth century commentaries on the Ethics" in this volume.

[17] These new ideas, however, have also been prepared by the ideas of creative thinkers of earlier times. When Martin Luther proclaimed his "solas", he built upon the thoughts of theologians of piety, who had tried to break down complex theological structures into simple comprehensible ideas. See Berndt Hamm, "Von der spätmittelalterlichen reformatio zur Reformation: der Prozess normativer Zentrierung von Religion und Gesellschaft in Deutschland", *Archiv für Religionsgeschichte* 84 (1993), 7–82.

[18] See Christian Thomas Leitmeir, "Sine auctoritate nulla disciplina est perfecta. Medieval Music Theory in Search for Normative foundations" in this volume.

[19] See Hamm, *Religiosität*, 28.

Religious piety in the sixteenth century was characterized by two developments. On the one hand, there was an increasing faith in the mercy of God.[20] On the other, despite this new trust in a merciful God, there were strong tendencies towards regulations. The laying down of laws and regulations was often linked to the old image of God as a judge, who could punish individual people for behaving wrongly and destroy societies that were morally corrupt. It shows that two seemingly opposite images could co-exist and shape various areas of life in different ways. In religious art, the merciful God was well received and became a popular theme.[21]

On the other hand, the concept of God pursuing the evildoer and being willing to eliminate whole societies if they did not live up to his standards of morality encouraged the early modern state to have a commendable interest in the way its citizens led their lives.[22] This second notion had a profound impact on the development of theology: Such a concentration on life-style brought about—at least from today's perspective—the danger of strengthening narrow ways of looking at practical situations. While they tried to do what was thought to be best, canon lawyers and moralists of the early modern era sometimes ran the risk of regulating human life down to the smallest details. An emphasis was put on the individual act and, in contrast to the traditional teaching that morality was derived from various sources,[23] this led to a focus on the measurable elements in human behavior namely the observable facts.[24] People were not allowed to express any creativity in their moral behavior; the code of rules was to be observed, regardless of the circumstances. It is not surprising that in this cultural context the teaching of moral theology gained importance, and was finally established as a theological discipline of its own at European universities from the middle of the sixteenth century

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[20] See Hamm, *Religiosität*, 39.

[21] See Hamm, *Religiosität*, 22–28.

[22] See Thomas Simon, " 'Policing' and Morality. On the state regulation of faith and morality in the policy decrees of the Early Modern Period" in this volume.

[23] Lat. *fontes moralitas.*

[24] According to the Aristotelean-Aquinian analysis of action, the inner will of the person was the most important criterion for judging an action, see: "(. . .) die entscheidende sittl.[iche] Qualifikation einer konkreten Handlung [erfolgt] durch ihren Gegenstandsbezug. Während die [mittelalterlichen] Theologen darin primär das Objekt des *inneren* Willensaktes sahen, so daß der Schwerpunkt der ganzen Handlungsanalyse auf der Intention des Handelnden ruht, gehen die neuschol.[astischen] Autoren v.[om] Objekt der *äußeren* Handlung aus." Schockenhoff, "Finis operis—finis operantis", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., 2009), 3: 1293.

onwards.[25] While dogmatics and moral theology were formally treated as a unity in mediaeval lectures in theology,[26] expressing two perspectives of faith, the University of Messina during the last years of the sixteenth century, and also the Jesuits' College at Rome, introduced a chair of "Cases of Conscience", which can be regarded as the very beginning of a separate teaching of moral theology on an institutional level.[27]

This formal separation between dogmatics and moral theology caused the teaching of Moral Theology to become oriented towards practical aspects, while all theoretical, or 'speculative' foundations, were left to the dogmaticians.[28] This institutional development had its origin in the practical need to offer better guidelines for priests who would hear confession. As Renate Dürr shows in her article, confession after the Council of Trent was seen as being analogous to the secular trial. The confessor took the role of the judge who needed to know the exact circumstances of the committed offence in order to come to an appropriate judgment, and finally grant (or perhaps withhold) absolution.[29] Normative tendencies gained important momentum because of the regulation issued at the Council of Trent that mortal sins should be confessed according to number and individual circumstance.[30] For this reason, the designation of priests as substitutes for Christ was given considerable emphasis in reaction to the movements of the Reformation.[31] A scrupulous analysis of individual cases in the light of all the circumstantial details became especially important[32] and had a profound influence on Roman Catholic

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[25] See Johann Theiner, *Die Entwicklung der Moraltheologie zur eigenständigen Disziplin* (Regensburg, 1970).

[26] Through the influence of Aristotle's *Nicomachean Ethics* on university teaching, however, separate courses in ethics began to be offered fairly early in the thirteenth century, see David Luscombe, "Ethics in the Early Thirteenth Century", in *Albertus Magnus und die Anfänge der Aristoteles-Rezeption im lateinischen Mittelalter. Von Richardus Rufus bis zu Franciscus de Mayronis*, eds. Ludger Honnefelder et al., (Münster, 2005).

[27] See Theiner, *Entwicklung*, 233–237.

[28] Theiner, *Entwicklung*, 33.

[29] See Renate Dürr, "Confession as an Instrument of Church Discipline. A Study of Catholic and Lutheran Confessional Manuals from the 16th and 17th Centuries" in this volume.

[30] See Maximilian Lanzinner, "Abschnitt III. Das konfessionelle Zeitalter 1555–1618", in *Handbuch der Deutschen Geschichte*, ed. Wolfgang Reinhard (Stuttgart, ^{10}2001), 10: 161; DH 1679–1681, 1707.

[31] See Renate Dürr, "Confession as an Instrument of Church Discipline. A Study of Catholic and Lutheran Confessional Manuals from the 16th and 17th Centuries" in this volume.

[32] See Heribert Smolinsky, "The Better Human Being. The Dispute on Morality in Humanism and the Reformation" in this volume.

moral theology until well into the twentieth century.[33] It was by and large only as a consequence of the Second Vatican Council that the conscience of all people gained active importance again.[34]

In Protestantism, different theological patterns meant that things developed in other ways. A stronger emphasis on grace and faith prevented Protestants from giving too much importance to external actions. Actions as such could not earn justification before the eyes of God. Confession lost its sacramental character, even though it was still highly valued. Ecclesial structure also made a significant difference since there was no normative head such as the Roman Catholic Pope. However, this does not mean that good deeds did not play a role in the Protestant traditions. Being set free by faith enabled Christians to do what was good without necessarily following a catalogue of norms.[35] Nevertheless, even in Protestant communities various norms were established and, in many cases, a code of behavior ("Kirchenzucht") was established.[36] Since the secular authorities were also responsible for their local church,[37] the reformed rulers were also responsible for making sure that the moral code was observed in their territory. Nevertheless, in the Protestant areas the moral approach was more strongly based on the promotion of virtues that Protestant Christians should acquire, rather than on a purely normative (ethical) approach.[38]

Clear tendencies towards setting norms can be observed during the sixteenth century. But was this tendency strong enough to subjugate the immense creative forces which awoke during the Later Middle Ages and in the beginnings of the early Modern Age? Or were innovation and

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[33] As an example of a late neoscholastic-casuistic moral manual, see Gustav Ermecke/Joseph Mausbach, *Katholische Moraltheologie*, Bände 1–3 (Münster, ^{9}1959).

[34] See *Gaudium et Spes* 16.

[35] See Volker Leppin, "Justification Theology and Human Action. On the foundation of ethics in early Lutheranism" in this volume.

[36] This code of behavior concerned different moral fields and was often more successful in Protestant than in Catholic lands: "Sie [die reformierte Kirchenzucht] hatte Erfolge nicht nur beim Gottesdienstbesuch, beim Verbot von Trinken, Lästern, Spielen oder bei der Einhaltung von Sexualnormen. Die Reformierten verstanden es offenbar auch, Finanzen, Haushalt, Familie und Nachwuchs rationaler zu planen." Lanzinner, "Abschnitt III: Das konfessionelle Zeitalter 1555–1618", 160.

[37] Also on the Protestant side, however, the relationship between the secular and ecclesial power was not free from conflict. It was not Luther's original plan to just subordinate the church to the state, see Reinhard, "Abschnitt II. Reichsreform und Reformation 1495–1555", 313–315.

[38] Today, the virtues we are talking about are usually called secondary virtues, such as accuracy, orderliness, and diligence. See Lanzinner, "Abschnitt III: Das konfessionelle Zeitalter 1555–1618", 160.

creativity at the center, and the normative tendencies only a shell that encased them? Is it even right to use the terms norm-making and creativity as two poles? Aren't they related in a way that we cannot separate them that easily? Are they just two sides of the same coin? Is norm-making not a creative process in itself, and the norms themselves the end product of a creative process? What were the more specific implications of the discovery of new continents; the confessional diversification of Christianity; of the turn to practice? How did these occurrences shape the way that philosophy, theology, and politics addressed the subject of human beings? Was a bridge possible between tradition and new discoveries, between normative frameworks, and creativity and freedom? Are there aspects from which we can learn, so that we can deal better with today's challenges?

"Between Creativity and Norm-making"—the title attempts to encapsulate the questions that have stimulated the various articles. The way they deal with the questions shows how many aspects are involved in giving possible answers. Even the claim that there were clear tendencies towards creativity or norm-making in the different historical periods that the articles treat will undergo a critical review, since in each period the dominant tendency always stands in relation to other opposing ones.

The themes that are dealt with in this collection of articles will hopefully be beneficial to contemporary discussions in philosophy and theology.[39] They encourage us to extend our interest beyond the narrower historical one that we might have in a fascinating period of discovery, transition and norm-making.[40]

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[39] The last contribution in this volume shows not only how certain normative developments within the pastoral practice of the church have been possible because of an overall change in the way in which death was experienced in the Late Mediaeval European culture; the writer demonstrates how we can still learn today from this paradigm shift. See Hermann Hold, "Beholding Saint Christopher. A Contrast to the Belief in Death" in this volume.

[40] The authors would like to thank the translator, Mr. Paul Bowman (Berlin), for his accurate work, and Dominic Whitehouse OFM for rephrasing this text. Any remaining errors are due to later changes in the text during the process of editing.

FROM VIRTUE ETHICS TO NORMATIVE ETHICS? TRACING PARADIGM SHIFTS IN FIFTEENTH-CENTURY COMMENTARIES ON THE NICOMACHEAN ETHICS

Sigrid Müller

1. *Introduction*

The Later Middle Ages and Early Modern Period are strongly linked and at the same time marked with obvious differences with respect to the teaching of ethics and to theological reflections on ethics, yet it is difficult to decide how to frame and label these shifts that took place between these time periods. Many questions need to be raised: To what extent did the teaching of ethics undergo change during the fifteenth century and the first decades of the sixteenth century? Did human actions come to be evaluated differently? Can we observe a shift from an ethical paradigm where good was pursued by means of virtuous behavior, to an ethical orientation that was established chiefly by societal norms and laws?

Some precaution is necessary, since these questions suggest that historical periods can be approached exclusively from either a virtue-ethics or a normative-ethics perspective. Although this bi-polar option is almost certainly too restrictive, it does seem that different ethical paradigms predominate in different historical periods. In the Higher Middle Ages, virtue ethics would seem to have been the dominant paradigm if we take its most renowned representative, Thomas Aquinas, as our gauge—though it should be remembered that St. *Thomas's Summa theologiae* is also famous for its treatise on law.[1] Significantly, there were already discussions in the thirteenth and fourteenth centuries as to what virtue was precisely. These discussions criticized the concept of habitual virtue in order to defend an understanding of virtue as an individual decision made according to right reason. From this perspective, the

[1] St. Thomas Aquinas, S.th. I–II q. 90–108. For interpretations of this part of the Summa, see in particular: Wolfgang Kluxen, *Philosophische Ethik bei Thomas von Aquin* (Hamburg, ³1998); Georg Wieland, "Gesetz und Geschichte (S.th. I–II, qq. 90–108)", in *Thomas von Aquin: Die Summa theologiae. Werkinterpretationen*, ed. Andreas Speer (Berlin and New York, 2005), 223–245; Clifford G. Kossel S.J., "Natural Law and Human Law (Ia IIae, qq. 90–97)", in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington D.C., 2002), 169–193.

strengthening of habitual virtues was viewed as less important. Did this more individualistic vision of moral action prepare the ground for a neglect of virtue ethics in the following period? Did it provoke stronger normative developments in the teaching of ethics and moral theology that preferred to orient people's actions from outside?

Answering this question is not a simple task. Difficulties start when we attempt to classify the ways in which ethics developed during the fifteenth century and at the beginning of the Early Modern Period. There are a number of tendencies that are ethically relevant, and these need to be considered in the light of developments that occurred in educational institutions, especially the universities. Laws and normative regulations were being taught at the faculties for law and canon law, and pastoral texts that were intended for the formation of priests and laypeople were also being written. The pastoral texts were often written by teachers working at the universities and frequently followed the structure of the Ten Commandments or the classical set of virtues and vices. Theological commentaries on the Bible and the Sentences of Peter Lombard were also a standard part of the theology curriculum. Both entailed discussion of the nature of virtue, as well as of the connection between the virtues. Finally, there were the philosophical commentaries on the Nicomachean Ethics, which elucidated the text and explained Aristotle's approach to the virtues.[2]

We will obviously be able to look at only a small part of this wide range of texts in this article. But what could those parts, which we will put to the side, add to the picture? We would not expect to find many changes of significance to ethics in the field of canon law, at least with respect to the form of its pronouncements. It is not a promising field, therefore, to study in search for a shift from virtue to normative ethics during the Later Middle Ages, even if related changes can be observed such as a trend towards centralization in questions of legal practice due to an increase in the number of written protocols.[3] In regard to the pastoral

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[2] Around the middle of the fifteenth century, the Eudemian Ethics and the magna moralia (put together as "De bona fortuna") were also commented upon. For recent studies of this work see e.g.: Valérie Cordonier, "Réussir sans raison(s). Autour du texte et des gloses 'Liber De bona fortuna Aristotilis' dans le manuscrit de Melk 796 (1308)", in *1308. Eine Topographie historischer Gleichzeitigkeit*, eds. Andreas Speer and David Wirmer (Berlin, 2010), 705–770, and the volume edited by Luca Bianchi, *Christian Readings of Aristotle from the Middle Ages to the Renaissance* (Studia Artistarum 29) (Turnhout, 2011).

[3] See *Kirchlicher und religiöser Alltag im Spätmittelalter: Akten der internationalen Tagung in Weingarten, 4.-7. Oktober 2007*, ed. Andreas Meyer (Ostfildern, 2010).

texts, they have not been studied sufficiently, and it is therefore difficult to come to an overall assessment.[4] On the basis of what we know already, considerable variation amongst these texts is probable. For example, in fifteenth-century literature dealing with confession, we find some texts that concentrate on the Ten Commandments while others concentrate on the virtues.[5] What can be observed is that the sixteenth-century penitential handbooks mostly use the Ten Commandments as their structural frame rather than the virtues.[6] But these observations are based on the texts that have been so far edited; they might well be counterbalanced by material in manuscripts as yet unread. If we turn to the teaching of doctrine in the theological faculties, we find that the set textbook remains a commentary on the Sentences of Peter Lombard. Since there was no supplementary text devoted to ethics, ethical issues were only discussed in the context of the systematic teaching of theological doctrine.

In order to investigate whether or not changes in ethical paradigm occurred during the Later Middle Ages and the Early Modern Period, it seems best to look firstly at the commentaries on the Nicomachean Ethics that were written for university courses in ethics. The doubts that we have expressed concerning pastoral texts apply in part at least to these commentaries, since many commentaries that might influence our views upon how ethics was perceived in this transitional period have yet to be edited and printed. We know, however, that it was the first printed commentaries that had most influence upon ethical thought in the sixteenth century. We will begin with these.

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[4] These works are often written in the respective languages and not in Latin, and many of them have not yet been sufficiently studied.

For an overview regarding the Viennese pastoral writings of the time, see Fritz Peter Knapp, "Die Literatur des Spätmittelalters in den Ländern Österreich, Steiermark, Kärnten, Salzburg und Tirol von 1273 bis 1439, Teilband 2: Die Literatur zur Zeit der habsburgischen Herzöge von Rudolf IV. bis Albrecht V. (1358–1439)", in *Geschichte der Literatur in Österreich von den Anfängen bis zur Gegenwart*, ed. Herbert Zeman, vol. 2/2 (Graz, 2004), 218–247; for other references, see also Sigrid Müller, "Theology, language and reality in fifteenth century via moderna", in *Language and Cultural Change*, ed. Lodi Nauta (Leuven, 2006), 1–22.

[5] Antoninus of Florence (1389–1459) sometimes combines both approaches in his confessional writings. See Gilberto Aranci, "I 'confessionali' di s. Antonino Pierozzi e la tradizione catechistica del '400", *Vivens homo* 3 (1992), 273–392. A detailed study of Antoninus' confessional writings is currently being completed by Kerstin Schlögl-Flierl at the University of Regensburg.

[6] See the overview offered by Johann Theiner, *Die Entwicklung der Moraltheologie zur eigenständigen Disziplin* (Regensburg, 1970), 74–96.

2. *Discussion about Virtues in Late Medieval Commentaries on Ethics*

In order to comprehend and evaluate the discussion of moral virtue in Late Medieval commentaries on ethics, some preliminary remarks about how they were taught is of some help. During the fifteenth century, the teaching of Nicomachean Ethics in central European universities was very much based on the reading and discussion of commentaries on Aristotle's ethics rather than the text itself, which was often only available in a transcription of poor quality.[7] Which commentaries were used varied according to the philosophical school or schools that the particular university followed. Universities which taught according to the *via antiqua* would generally use the commentaries of Thomas Aquinas, Albert the Great, or Henry of Friemar; those which followed the *via moderna* based their teaching principally on the commentaries of Thomas Aquinas, John Buridan, or Gerald of Odo.[8] As a consequence, commentaries written in the thirteenth and fourteenth centuries were the most important source material both for an understanding of Aristotle's *Nicomachean Ethics* and for debates on various ethical questions and explanations until at least the first half of the fifteenth century. This eventually changed when the new translation of the *Nicomachean Ethics* by John Argyropoulos (ca. 1415–1487) became available and provided a good text.

After presenting the thirteenth and fourteenth century background of the discussion on virtue, examples will be given of how the relationship between the cardinal virtues and the Aristotelian approach to the moral virtues was addressed in the ethics commentaries that were most

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[7] A very good insight into the practical aspects of the teaching of ethics at late medieval universities is given in two articles published by Christoph Flüeler: "Ethica in Wien anno 1438. Die Kommentierung der aristotelischen 'Ethik' an der Wiener Artistenfakultät", in *Schriften im Umkreis mitteleuropäischer Universitäten um 1400. Lateinische und volkssprachige Texte aus Prag, Wien und Heidelberg: Unterschiede, Gemeinsamkeiten, Wechselbeziehungen*, eds. Manuela Niesner, Fritz Peter Knapp and Jürgen Miethke (Leiden, 2004), 92–138; and: "Teaching Ethics at the University of Vienna: The Making of a Commentary at the Faculty of Arts (a Case Study)", in *Virtue Ethics in the Middle Ages: Commentaries on Aristotle's Nicomachean Ethics, 1200–1500*, ed. István Pieter Bejczy (Leiden, 2008), 277–346. For an overview of fifteenth century ethics commentaries at the University of Vienna, see: Sigrid Müller, "Wiener Ethikkommentare des fünfzehnten Jahrhunderts", in *Documenti e studi sulla tradizione filosofica medievale* 17 (2006), 445–467.

[8] This view is true for the University of Vienna during the first half of the fifteenth century. The Viennese commentaries remaining in manuscript are usually compositions of these three authors. Some other commentaries, which originated in the fifteenth century such as the ethics commentaries of Conrad of Soest and John Versor, became more significant from the middle of the fifteenth century onwards.

frequently used during the second half of the fifteenth and the early years of the sixteenth century. In the final section, I will focus on the commentary written by John Mair, a late exponent of the *via moderna*. This example will illustrate just how much thinking about the virtues changed in the *via moderna* at the beginning of the sixteenth century.

3. *The Thirteenth- and Fourteenth-Century Background to the Teaching of Ethics in the First Half of the Fifteenth Century*

Since the teaching of ethics during the first half of the fifteenth century was dominated by commentaries written in the fourteenth century, it is worth having a look at the earlier period in order to better evaluate the developments that occurred in the second half of the fifteenth century.

The medieval teaching on ethics, consisting mainly of commentary on the *Nicomachean Ethics*, had sometimes had difficulties reconciling the Aristotelian view of many distinct moral and a few intellectual virtues with the Stoic concept of four cardinal virtues, which had gained enormous importance in early medieval Christian moral teaching.[9]

After the first complete translation of the Nicomachean Ethics by Grosseteste in 1246/7 had become available, both Albert the Great and Thomas Aquinas introduced the concept of cardinal virtue into their commentaries by interpreting prudence as a middle ground between the intellectual and moral virtues, or at least as a personal quality that was very similar to a moral virtue. Prudence and moral virtues were regarded as sharing a common purpose, namely to encourage acting according to an appetite perceived as commendable. With regard to the other three cardinal virtues, both Aquinas and Albert distinguished between the "cardinal" functions of justice, temperance, and fortitude, and a special sense which limited them to the function of discrete moral virtues. The "cardinal" functions consisted in general properties that were essential to a number of moral virtues. The moral virtues could therefore be subordinate to the cardinal virtues. This idea, however, did not find wide acceptance, and it was argued that the "cardinal function" did not present a virtue in itself but was a prerequisite of a moral virtue.

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[9] In the overview presented in the following paragraph, I present the results of research by István Pieter Bejczy, "The Cardinal Virtues in Medieval Commentaries on the *Nicomachean Ethics*, 1250–1350", in *Virtue Ethics in the Middle Ages: Commentaries on Aristotle's Nicomachean Ethics, 1200–1500*, ed. István Pieter Bejczy (Leiden, 2008), 199–222; for Gerald of Odo's comments on fortitude see 213–214.

Gerald of Odo tries a third way when he deals with the virtue of fortitude by declaring that neither a discrete understanding nor a general notion of fortitude as firmness warrants making it a cardinal virtue; only a moderate understanding of fortitude, namely as a means to resist evil even under threat of death rather than renouncing the good, could be regarded as a cardinal virtue. For Gerald, the cardinal virtues express the essence of moral goodness, and all other moral virtues are only good insofar as they correspond to this essential goodness.

John Buridan, who adopts Gerald's idea that the cardinal virtues express the essence of moral goodness, broadens the understanding of the special virtues by reconciling it with the main Christian tradition that located the cardinal status of virtues in their "general applicability".[10] We need to keep in mind that, since the teaching of ethics was based on a tradition that was founded upon ethics commentaries (and not commentaries on the Sentences), it was John Buridan's text—and not William of Ockham's views on ethics—which was most influential within the fifteenth century *via moderna*. This is especially important for the reception of the cardinal virtues, since Ockham's understanding of virtue reduced virtue in the main to an "attribute" of the will signifying that the election of the will takes place in fulfilment of God's will viz. the dictate of right reason, and therefore marks a shift away from an understanding of the virtues as habit.[11]

The interpretation of the virtues, and of prudence with regard to the virtues, seems therefore to be the key for understanding whether or not ethical approaches provide evidence for a changing paradigm.

4. *The Virtues in the Ethics Commentaries of the Second Half of the Fifteenth Century*

During the second half of the fifteenth century, new commentaries on the Nicomachean ethics and texts about virtues were written, copied and later printed. The most influential were the commentaries on the cardinal virtues by Martinus de Magistris, and the ethics commentaries of Peter Tataret, Jacob Faber d' Étaples, John Versor, and John Mair. These commentaries

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[10] Bejczy, "The Cardinal Virtues in Medieval Commentaries on the *Nicomachean Ethics*, 1250–1350", 217.

[11] For a detailed study, see: Rega Wood, *Ockham on the Virtues* (West Lafayette, Ind. 1997). Consult also Volker Leppin's introduction to Wilhelm von Ockham in *Über die Verknüpfung der Tugenden/De connexione virtutum, lateinisch-deutsch*, trans. Volker Leppin (Freiburg, 2008).

represented different types: Peter Tataret's commentary followed the Aristotelian text in the translation of Robert Grosseteste, explaining the basic concepts used by Aristotle. Jacob Faber's commentary followed the structure of the commentaries of Gerald of Odo and John Buridan; it was divided into questions that were devoted to each book of the *Nicomachean Ethics*. John Versor referred to the full text of Aristotle's Nicomachean Ethics. John Mair commented on the Aristotelian text in its new translation by John Argyropoulos. Not only did the translation of Aristotle's text undergo changes; the texts, which the commentaries related themselves to, varied as well. Peter Tataret, who is taken to be a Scotist, also discussed the ethical thought of Duns Scotus, introducing passages selected from Scotus's works. In a similar vein, John Mair included comments on the ethical positions of both Duns Scotus and William of Ockham in his commentary.

4.1. *Martin Le Maistre (Martinus de Magistris) (1432–1482)*

I will consider Martin Le Maistre[12] first. As far as we know he did not write a commentary on the *Nicomachean Ethics* but rather a work that resembles a commentary on the four cardinal virtues of which only two books remain: one on fortitude, and one on temperance.[13] David Cranston, a student of John Mair,[14] edited the two books in Paris in 1510 and 1511.

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[12] In "Quelques maîtres de l'université de Paris vers l'an 1500", *Archives d'histoire doctrinale et littéraire du moyen âge* 18 (année 25–26) (1950–1951), 195–196; Hubert Élie mentions that Martin died at the age of fifty and that he had wanted to become director of the College de Navarre in 1481, but John Raulin was preferred to him. In "Medieval Latin Aristotle Commentaries, Authors: Johannes de Kanthi—Myngodus", *Traditio* 27 (1971), 338, Charles Lohr gives the following details of Martin's life: Born 1432 at Tours, died 1482 at Cléry-sur-Loire, studied at the College of Navarre, Paris; 1451 taught rhetoric there; 1453/55 magister artium; 1457 procurator nationis Gallicanae; 1460 rector; 1462 lector cursorius; 1462 rector; 1467 quaestor; 1470 lector ethicorum; 1472 quaestor; 1474 licentiatus theologiae, magister theologiae; 1474 principal of the college of Sainte-Barbe; 1480 confessor to Louis XI, from whom, in 1482, he obtained revocation of the edict against nominalism. I would like to express my gratitude to Werner Gelderblom for providing me with biographical information on Martin Le Maistre.

[13] Lohr, "Medieval Latin Aristotle Commentaries", 338, mentions *Quaestiones et dubia circa librum Ethicorum* by Martin Le Maistre and John Buridan printed at Paris in 1496 and 1500. I have not been able to see this text. It might coincide with Stuttgart, Württembergische Landesbibliothek Inc. Fol. 1743 (121 foll., 3 foll. indices and 1 fol. comparison of translations: old version, Bruni, Argyropoulos), which contains an edition of the old Aristotelian text with a commentary composed by Henry Krosbein which refers to various authors, most notably John Buridan and Martinus Le Maistre. In "Quelques maîtres" (196), Élie also mentions a third treatise on the virtues, namely *De iustitia*, for which I was unable to find further details.

[14] David Cranston was a priest of the Glasgow Diocese, who studied at Paris from 1495 onwards under the direction of John Mair at the College of Montaigu. He taught there

Martinus' commentary is important because it shows that not only was the concordance of cardinal virtues and moral virtues, which Aquinas had proposed, criticized, but the solution that John Buridan had presented as well. Martinus, on one hand, quoted Buridan's critique of Aquinas' position that the cardinal virtues were distinguishable by reason alone (*ratione*). In Martinus' view, temperance, in the general understanding of virtue as a moderating force, was interchangeable with fortitude and could not be a special virtue. On the other hand, Martinus criticized Buridan for his too subtle theory of the cardinal virtues. Buridan had formulated the theory that it was not the objects but the qualities of a given virtue (*proprietas*) when dealing with its objects that made the virtues different from one another. His theory was an explicit critique of Aristotle's position that virtues were distinguishable on the basis of their different objects. Martinus thought that Buridan's theory was likely to create confusion in moral theory as it applied to the virtues.[15]

Martinus himself argued that if one looked at the qualities of the virtues themselves (for example, to strengthen one's heart against difficulties), they were so general as to be features of all the virtues; consequently, it was not possible to distinguish between temperance and fortitude. On the other hand, if one interpreted every property—for example, the property of prudence as seeking the balance between extremes—as something special and as the main difference between the cardinal virtues, then it was necessary for all four to contribute to each and every virtuous act; one virtue alone was not sufficient to produce a morally good act. For him, there was no bridge between the specific moral virtue and the general cardinal virtue. If virtues were involved in all morally good acts, they were only distinguishable as different ways of approaching the act, and thus all the virtues were necessary in order to produce a perfectly virtuous act, a state of affairs that did not seem appropriate.[16]

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from 1499. Apart from the works of Martin le Maistre, he edited also those of John Mair. He died young in 1413. See Alexander Broadie, *The Circle of John Mair. Logic and logicians in Pre-Reformation Scotland* (Oxford, 1985), 3.

[15] *Eximii doctoris Magistri Martini magistri de temperantia liber* (Paris, 1511), fol. 2 va: *Ista opinio quamvis videatur subtilis videtur tamen michi confundere omnem doctrinam de moribus.*

[16] Martinus Magistri, *De temperantia* (Paris, 1511), fol. 2 vb: *Tercio aut quilibet virtus est circa materiam quamlibet, aut cuilibet virtuti respondet sua propria materia. Si primum, tunc cum virtutes non distinguantur per materiam, sed distinguantur per actus circa materiam, indubitanter sequitur inconveniens illatum in praecedenti ratione, scilicet quod nullus erit actus virtutis nisi ad ipsum causandum concurrant omnes quattuor virtutes.*

Martin concluded that if every virtue is directed towards its own end, Buridan's distinction between particular characteristics could be easily transformed into a distinction between ends.[17] Only prudence has a special function: Since each virtue contains cognitive elements, each has its own prudence.[18] By emphasizing the cognitive dimension of prudence as well as the need to specify its character through studying how it manifests itself through the medium of the different virtues, Martinus defended an approach to human action that makes practical reasoning and discernment indispensable to all virtuous actions. In this way he steered a course between a neglect of the virtues as moral standards on the one hand, and their neglect through a prioritization of individual judgment on the other.

4.2. *Pierre Tataret (Petrus Tataretus or Tartaretus) (†1522)*

Pierre received his degree as a Master of Arts at Paris in 1484. His commentary on the first six books of the *Nicomachean Ethics* was printed for the first time in 1496.[19] Pierre is traditionally regarded as a Scotist and defended realism against nominalism in his philosophical works. A similar tendency can be seen in his ethical positions, at least as long as one interprets nominalism in ethics as an emphasis on situational moral reasoning and on the individuality of every single moral act of the will, which were positions that Tataret criticized.[20]

Pierre does not mention the cardinal virtues in his discussions of prudence; he only questions whether prudence can be at all regarded as a moral virtue. He argues that it is imprecise to regard it as such since

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[17] Martinus Magistri, *De temperantia*, Paris 1511, fol. 3 rb: *Ergo male dicit Buridanus cum ait quod Seneca et Tullius ponentes quattuor virtutes cardinales non distinxerunt eas per obiecta: sed per quasdam proprietates.*

[18] Martinus Magistri, *De temperantia*, Paris 1511, fol. 2vb: *Cuilibet virtuti correspondet omnis proprietas requisita ad hoc quod actus sit bonus et laudabilis. Ergo temperantiae convenit superare difficilia in materia sua. Hic autem non volo comprehendi proprietates sumptas ab actibus cognitivis quia cuilibet virtuti sua prudentia correspondet sicut et sua materia.*

[19] For the curriculum of Pierre Tataret (1484: Master of Arts; 1490/91: Dean (Rector) of the university; 1496: lic.theol.; and from 1500 Master of Theology), see Stephan Meier-Oeser, "Tartaretus, Petrus", in *Biographisch-Bibliographisches Kirchenlexikon* (Herzberg, 1998), 14: 1537–1539. A list of editions of his works can be found in *Scholasticon* (www.ulb.ac.be/philo/scholasticon/nomenT.htm).

[20] For a discussion of some of the characteristic features of Ockham's ethical approach, see Marilyn McCord Adams, "The Structure of Ockham's Moral Theory", *Franciscan Studies* 46 (1986); 1–36; and also Sigrid Müller, *Handeln in einer kontingenten Welt. Zu Begriff und Bedeutung der recta ratio bei Wilhelm von Ockham* (Tübingen, 2000), 40–42, 118–119, and 232–249 (for the English summary).

prudence is not a moral virtue in any strict sense but rather the rule of every moral virtue. He also explains that there is not one single rule that is valid for all moral virtues. Instead, he maintains, just like Martinus de Magistris, that each moral virtue has its own variety of prudence,[21] and that the virtues are only connected insofar as they help one another. It is therefore untrue to say that if only one virtue existed, then all the other virtues would necessarily exist as well.[22]

While this is a point of view that he shares with William of Ockham,[23] Pierre's concept of moral virtue nevertheless differs significantly from his English predecessor's. For Pierre, moral virtue exists mainly as a virtuous habit which directs us whenever a choice needs to be made between good and evil.[24] For Ockham, moral virtue is a virtuous act, namely the will obeying the dictates of right reason. He would not call an act that originated in habit alone truly virtuous. For Pierre, however, there is no difference between a moral act that produces a virtuous habit and an act that follows from a virtuous habit.[25] Pierre states that there is no need for a decision based on prudence to be present in each and every virtuous act; on the contrary, it is sufficient that there is a general correspondence to prudence. This means that human beings do not need to act according to a command given by their own prudence, or right reason, in each and every situation; an act that obeys the command of right reason is a case of perfect virtue. Generally, however, it is good enough if one

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[21] Petri Tatareti Parisiensis *In sex priores Aristotelis Moralium libros selectae Quaestiones*, in *Petri Tatareti Parisiensis subtilium omnium facile principis In triplicem Aristotelis Philosophiam: Physicam, Metaphysicam, et Ethicam, castigatissimae lucubrationes* (Venice 1571), fol. 393r: *Et adverte, quod prudentia proprie non est virtus moralis, sed est regula virtutum moralium, non quod omnium virtutum sit una prudentia, seu una regula sicut dixerunt aliqui: quia quilibet virtus habet suam proriam prudentiam: et ideo si in aliquot doctore inveniatur, quod prudentia est virtus moralis debet glossary, id est regula virtutis moralis.*

[22] Petrus Tataretus, *In sex priores Aristotelis Moralium libros selectae Quaestiones*, fol. 398v: *Virtutes morales dicuntur esse connexae adinvicem, id est dicuntur se iuvare adinvicem, et non quod una non possit esse sine alia.*

[23] For Ockham, virtues as habits do not play a significant role, since for him a virtuous act in the strict sense was always an act of the will according to the dictates of right reason, and never an act that originated from a habit alone. For the question of how the virtues were connected in Ockham's thought, see Rega Wood, *Ockham on virtues* (West Lafayette, In., 1997).

[24] Petrus Tataretus, *In sex priores Aristotelis Moralium libros selectae Quaestiones*, fol. 389r: *Et dico quod est virtus quia omnis habitus electivus dirigens habentem circa illa, quibus contingit bene, et male uti est habitus virtuosus.*

[25] *Questiones Petri Tatareti in sex libros ethicos* (Basel, 15.3.1514) (liber 2, Utrum operationes precedentes virtutem ex quibus generatur virtus et sequentes virtutem sine eiusdem speciei), fol. 5v: *Operationes ex quibus gignuntur virtutes et operations elicite a talibus virtutibus sunt eiusdem speciei.*

does what is right, regardless of whether the action is a natural outcome of one's temperament, one's education, or of simply following a piece of good advice.[26]

Pierre Tataret in this respect goes much further than his supposed master Duns Scotus who treats this question in his commentary on the Sentences.[27] Scotus offers various possibilities for defining the relationship between acts and habits. The main distinction he makes is between the perfection of a moral act and the morality of a moral act. Scotus thinks that it is only in a particular respect that we can regard a habit as the active principle of an act. He sees a particular habit as a partial cause of an act, and as a necessary partial cause of a perfect act. An act that is caused by the power of the act alone, with the habit being only a secondary cause, would not represent a perfect one.[28]

In respect to the morality of acts and habits, Duns Scotus makes a clear distinction between morally good acts and morally good habits. Habits can be called morally good only insofar as they coincide with the determination of a morally good act under the guidance of the virtue of prudence; therefore, the moral goodness of a habit plays no active role in producing a morally good act. It does not attribute anything to the substance of a moral act besides the practical help that it offers in facilitating that act. It is defined as a moral habit only to express its conformity with prudence when prudence commands that such an act should be performed. Scotus does not see acts that are the product of habit without any command from the will informed by prudence as morally good in and of themselves. Hence, a morally good act requires much more, namely its subordination

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[26] Petrus Tataretus, *In sex priores Aristotelis Moralium libros selectae Quaestiones*, fol. 397v: *Et adverte quod aliquis dupliciter potest assuefieri in operationibus bonis et conformibus rationi recte: uno modo quod non sibi sed alteri prudenti credat, et sic habitus qui sic generabitur in appetitu erit bonus, sed non perfectus simpliciter, quia cum deficeret doctor exterius non haberet quomodo posset bene operari . . . Et quando dicitur quod nullus potest assentire principiis praedictis pertinentibus ad prudentiam nisi per virtutes morales . . . , dico quod homo potest assentire illis sine virtute morali saltem perfecta, puta per bonam naturalem inclinationem, per assuefactionem doctrinalem a parentibus. Ideo ponitur conclusio responsalis: Non est inconveniens voluntatem habere actum rectum sine prudentia actuali, et forte etiam sine habituali.*

[27] The relevant arguments can be found in the *Ordinatio* I dist. 17 pars 1 q. 2. See Ioannis Duns Scoti *opera omnia, studio et cura commissionis Scotisticae edita* (Civitas Vaticana, 1959), vol. 5, where he asks whether a habit should be regarded as an active principle for an act (*utrum necesse sit ponere in habitu rationem principii activi respectu actus*).

[28] John Duns Scotus, *Ordinatio* I d. 17 p. 1 q. 1–2, nr. 32, 40 and 53 (*Opera omnia*, 152, 154, 160).

to dictates of right reason with respect to all the relevant circumstances.[29] Moral goodness does not contribute anything to the substance of the act; it only expresses the relationship of correspondence between the act and what right reason advises us to do.[30]

Although Scotus emphasizes the importance of habits for producing perfect acts, he does not attribute moral importance to them. Morally good habits or virtues are regarded as being naturally caused, and they are called virtuous whenever they coincide with right reason, even if they do not add anything to the moral substance of the act. They only help to make its performance more perfect.[31] Ockham follows Duns Scotus very closely in this respect, but Pierre Tataret does not. As far as the relation of the virtues to habit is concerned, he is not a follower of Duns Scotus but of the *via antiqua*'s view of the virtues as arising from habit.

4.3. *Jacques Lefèvre d'Étaples (Jacobus Faber Stapulensis) (ca. 1450/60–1536)*

Jacob studied at Paris from 1475. He became a Master in Arts in 1490 before traveling to Italy for the first time in 1491.[32] Subsequent to this journey,

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[29] John Duns Scotus, *Ordinatio* I d. 17 p. 1 q. 1–2, nr. 62 (*Opera omnia*, 163–164): *. . . bonitas moralis actus est quasi quidam decor illius actus includens aggregationem debitae proportionis ad omnia ad quae habet proportionari (puta ad potentiam, ad obiectum, ad finem, ad tempus, ad locum et ad modum), et hoc specialiter ut ista dictantur a ratione recta debere convenire actui.*

[30] John Duns Scotus, *Ordinatio* I d. 17 p. 1 q. 1–2, nr. 60–67 (*Opera omnia*, 163–169). See nr. 66: *'Coniungi' ergo 'prudentiae' attribuit habitui (ut est forma de genere qualitatis) esse virtutem, quando ille habitus ex natura sua natus est esse conformis prudentiae,—et ita nihil aliud in entitate absoluta dicit habitus qui est virtus moralis, ab illo qui est talis in natura, et non virtus, si sit sine prudentia: et per consequens, nullam aliam causalitatem potest habere ut est virtus quam ut est qualitas talis naturalis, nisi quia 'ut coniungitur prudentiae' natus est esse causa secunda—quasi directa a prudentia—respectu effectus communis amborum; ut autem est sine prudentia, non potest esse causa secunda respectu eiusdem effectus . . . Sed adhuc, quando est causa secunda respectu prudentiae, causalitatem propriam—convenientem sibi in suo ordine causandi—habet praecise ex hoc quod est talis forma vel qualitas quaedam in natura, non autem per respectum conformitatis vel coniunctionis ad prudentiam, quia licet causa secunda coniuncta primae aliter agat quam sine ea, non tamen habet virtutem suam propriam activam ex coniunctione tali, sed ex natura sua absoluta.*

[31] John Duns Scotus, *Ordinatio* I d. 17 p. 1 q. 1–2, nr. 40 (*Opera omnia*, 54): *Concedo . . . quod tenendo habitum esse causam partialem respectu actus, esset causa secunda et non prima, sed ipsa potentia esset causa prima et absolute non indigent habitu ad operandum; tamen minus perfecte operator sine habitu quam cum habitu . . .*

[32] Jacob was influenced by the patristic tradition, by Nicholas of Cusa and by Italian neoplatonic philosophy. See Yelena Mazour-Matusevich, *Le siècle d'or de la mystique française: un autre regard. Étude de la literature spirituelle de Jean Gerson (1363–1429) à Jacques Lefèvre d'Étaples (1450?-1537)* (Paris, 2004), 361–410.

he prepared critical editions of Aristotle, Boethius, Dionysius Areopagita and John Damascene and parts of the Bible. He also translated the Vulgata into French.[33] He wrote three works on Aristotle's ethical texts: *Artificialis introductio in X libros Ethicorum*, and *Ars moralis in Magna moralia introductoria*, both edited in 1494, and *Commentarii in X libros Ethicorum* which was printed for the first time in 1497. All these commentaries were written before Jacob's second journey to Italy in 1499, which was critical for his discovery of Renaissance Platonism.[34] For his commentary on the *Nicomachean Ethics*, he chose the translation of John Argyropoulos.[35]

In his commentary, Jacob reacts against some of the positions that Petrus Tataretus had defended. According to Jacob, prudence is a moral virtue, or at least is closely connected to the moral virtues, and, even as a habit, is connected to active reasoning.[36] Jacob explains that Tataretus's conclusion that one is able to follow the advice of somebody else in order to accomplish virtuous acts is simply not true. By following another person's advice, one can acquire a habit in accord with right reason but which is not in itself virtuous. Only by acting both in accordance with and by the dictates of right reason can one become virtuous.[37] In this respect at least, Jacob takes a Scotist or Ockhamist approach.

Jacob also disagrees with Tataretus on the issue of the unity of prudence as a virtue. For him, there is one perfect prudence the rule for everything;

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[33] For biography and further literature, see Olga Weijers, *Le travail intellectuel à la Faculté des arts de Paris: texts et maîtres (ca. 1200–1500) IV. Répertoire des noms commençant par H et J (jusqu'à Johannes C.)* (Turnhout, 2001), 103–107.

[34] Yelena Matusevich, "Jean Gerson (1363–1429), Nicholas of Cusa (1401–1464), Jacques Lefèvres d'Etaples (1450–1537): The Continuity of Ideas", in *Nicholas of Cusa and his age—intellect and spirituality*, eds. Thomas M. Izbicki and Christopher M. Bellitto (Leiden, 2002), 237–262, especially 254–255.

[35] See the title given in the 1522 edition: *Decem libri ethicorum Aristotelis ad Nicomachum, ex traductione Ioannis Argyropili Byzantij communi familiarique Iacobi Fabri Stapulensis commentario elucidati* (Paris, 1522).

[36] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 190 r: *Prudentia est circa hominis bona atque mala habitus verus cum ratione activus*; fol. 195 v: *Est igitur prudentia virtus quaedam, virtutique annexa.*

[37] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 211 r: *At non satis esset dicere virtutem habitum esse secundum rectam rationem, nam quis altero dirigente posset acquirere habitum secundum rectam rationem non tamen haberet virtutem, sed qui dicit secundum rectam rationem et cum recta ratio, id excludit*; fol. 211 v–212 r: *Nam virtus is habitus est, non qui solum secundum rectam rationem est, sed cum recta etiam ratione esse oportet. Et recta de ipsis agendis ratio prudentia est. Neque similiter Socrati nos ipsi sentimus, nam Socrates virtutes ipsas rationes esse putabat et proinde virtutes scientias esse ponebat. Nos autem virtutes ipsas cum ratione esse censemus. Patet itaque ex his atque superius dictis neque virum proprie bonum sine prudentia, neque prudentem sine virtute esse posse.*

there are not, as Tataretus argued, many "prudences".[38] However, different types of prudence can be distinguished. In a strict sense, prudence is defined as providing for one's proper needs. A second kind of prudence has to do with providing for one's family, a third with the art of legislation, and a fourth with counseling and judging so-called "civil" activities.[39]

For Jacob, there exists a clear hierarchy within the five intellectual virtues that Aristotle mentions, which he sees as corresponding to the hierarchy of activities typical of human beings. Jacob thinks that human beings imitate God in all their activities. By producing arts and crafts, they imitate God's creation of the world; by practising prudence, they imitate God's providential care for all creatures, and by developing wisdom, humans imitate God as the self-contemplating being who rests peacefully in himself.[40] But the arts and crafts, prudence, and acquired wisdom are not only different in the way that they imitate God but also in the way they stand in a hierarchical relationship to each other. The works created by the arts and crafts exist for the sake of actions that are governed by prudence, and all actions are undertaken so as to allow for contemplation. From this premise follows a subordination of the arts to the moral virtue of prudence and of prudence to the intellectual faculties (*scientia, intellectus, sapientia*). Of all the intellectual virtues, prudence is most important for ethics.[41]

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[38] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 211 r: *Prudentia, perfecta prudentia: et ut logica omnium argumentationum una est, ita prudentia omnium virtutum una est*; fol. 6 r: *Est enim prudentia omnium certa regula.*

[39] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 200 v: *Specierum prudentiae haec maxime prudentia dici videtur, qua quispiam sibiipsi uni quae bona sunt prospicit ac providet, nam haec commune nomen prudentiae sibi vendicat. Aliae autem species, alia peculiaria nomina: una quidem gubernandae rei familiaris disciplina, alia legum ferendarum facultas, alia facultas civilis, et civilis facultatis pars una deliberativa dicitur, alia vero iudicialis.*

[40] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 190 r: *Imitatur enim mens nostra quoad fieri potest illam summam omniumque artificem, omnia gubernantem, ac sapientissimam mentem, et quod artis opus id divinae mentis est rerum productio, opus prudentiae providentia est atque rerum gubernatio, et sapientiae opus illa intima supremae mentis sui ipsius comprehensio. Ergo per artem imitamur rerum creationem sive potius ipsum res omnes creantem, per prudentiam ipsum omnibus providentem, per sapientiam ipsum in seipso manentem et quasi in beatissima sui contemplatione quiescentem.*

[41] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 199 v: *Et de prudentia accomodatior est huic disciplinae determinatio quam de scientia, intellectu et sapientia qui sunt habitus morali virtute superiores, et de arte quae est virtute morali inferior. Idcirco bono iure de illis Aristoteles sermonem contraxit, de prudentia vero latius expandit exactiusque subinde prosequitur.*

In his discussions, Jacob does not mention all the cardinal virtues. He speaks about temperance because it safeguards the judgments of prudence. Without temperance as a controlling force, the seeking of pleasure and the avoidance of pain could bias the judgments of prudence.[42] It is interesting to note that Tataretus regards prudence, in its various guises, as a capacity to take very practical decisions. Instead of describing prudence as a general capacity of judgment between extremes, as did Martinus de Magistris, Tataretus sees prudence as principally concerned with the world of social, economic, and political decision-making.

4.4. *Jean le Tourneur (Johannes Versor) († after 1482)*

Johannes Versor became a Master in Theology at Paris in 1435, then Rector of the University of Paris in 1458. He counts amongst the most important Late Medieval Thomists[43] or Albertists.[44]

In the second book of his commentary on the *Nicomachean Ethics*, Johannes Versor asks how the twelve virtues mentioned by Aristotle relate to the four cardinal virtues listed by Cicero and Seneca. According to Johannes, all virtues are based on one of the four cardinal virtues in the same way that species can be related to their genera.[45] The cardinal virtues serve to ground more concrete virtues and therefore do not contain all of them in themselves.

Johannes also found a solution to the question of whether prudence was to be regarded as an intellectual or a moral virtue. He argues that

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[42] Jacobus Faber Stapulensis, *Decem libri ethicorum* (Paris, 1522), fol. 195 r: *Temperantia prudentiam salvat: Voluptas autem et dolor eandem pervertit. Nam temperantia incolumem servat iudicium rectamque circa agenda existimationem. Ergo merito temperantiam prudentiae custodem conservatricem nuncupamus.*

[43] Max Heinze, "Versor, Johannes", in *Allgemeine Deutsche Biographie (ADB)* (Leipzig, 1895), vol. 39, 637f.

[44] See e.g. Egbert P. Bos, "John Versor's Albertism in his Commentaries on Porphyry and the Categories", in *Chemins de la Pensée Médiévale. Études offertes a Zénon Kaluza*, ed. Paul J.J.M. Bakker (Turnhout, 2002), 47–78, and Pepijn Rutten, "Secundum processum et mentem Versoris: John Versor and His Relation to the Schools of Thought Reconsidered", *Vivarium* 43 (2005) 292–336, who defends the position that Johannes Versor was an independant author.

[45] Johannes Versor, *Quaestiones super libros ethicorum Aristotelis* (Cologne, 1494) [reprint Frankfurt a. Main, 1967], fol. xviii v: *Sciendum secundo quod distinguendo virtutes secundum quosdam modos generales virtutum omnes possunt reduci ad quatuor sicut loquuntur Tullius et Seneca de virtutibus. Tamen convenientius distinguuntur virtutes secundum subiecta sicut eas distinguit Arestoteles. Et secundum eum quatuor virtutes que sunt iusticia, prudentia, fortitudo et temperantia non dicuntur principales quia sunt generales, sed quia alie virtutes reducuntur ad ipsas sicut species ad genera. Et ideo dicuntur cardinales.*

prudence is intellectual with regard to its essence, but moral with respect to its 'matter'; viz., what it is about.[46] All actions that fall under the productive arts and crafts belong to the 'matter' of prudence and need to be distinguished from the theoretical aspects of ethics, which can be categorized as belonging to theoretical knowledge (*scientia*).[47]

By referring to Thomas Aquinas, Johannes also makes clear that the Aristotelian concept of virtue as a middle ground between two vices is only an explanation of what virtue essentially is; its rationale is its concordance with right reason.[48] The essentialist definition is less important than the rationale: the action, not the *habitus*, is decisive in virtue.[49] In a similar way, it is clear that perfect virtue requires proper personal judgment and the will to pursue the good. Actions which originate in a natural inclination or by training, or which are simply performed on the advice of others can only be called virtuous in an imperfect way.[50]

Johannes takes from the Aristotelian framework the threefold distinction between a moral theory that focuses on the individual person, a moral theory that concentrates on the economies of the family and the state, and one that attends to society. His adoption of these divisions makes

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[46] Johannes Versor, fol xix r: *Sciendum tercio quod prudentia accipitur dupliciter. Uno modo secundum suam essentiam. Et sic est virtus intellectualis perficiens intellectum. Alio modo secundum materiam suam, et sic est virtus moralis. Quia est circa agibilia que cadunt sub arte.*

[47] Johannes Versor, fol. ii r: *Quantum ergo ad intellectum speculativum philosophus ponit doctrinam per quam effunditur scientia a magistro in discipulum. Quantum vero ad intellectum practicum ponitur ars quae est recta ratio in nobis rerum factibilium . . .*

[48] Johannes Versor, fol. xvii v: *Sciendum est tercio quod secundum Sanctum Thomam tota bonitas virtutis moralis dependet ex rectitudine rationis. Ideo bonum convenit virtuti morali secundum quod sequitur rationem rectam. Malum vero convenit utrique vicio inquantum a recta ratione recedit. Et ideo secundum rationem boni et mali ambo extrema vicia sunt in uno extremo. Sed virtus est in alio scilicet in bono quod attenditur secundum rectitudinem rationis. Non tamen ex recessu ratione vel conformitate rationis. et virtus et operata vicia non constituunt speciem quam significat diffinitio. Quia ratio est extrinseca vicio et virtuti modo quod est alicui extrinsecum non constituit ipsum secundum speciem ideo concluditur quod philosophus convenienter distinguit quod virtus secundum speciem et substantiam est in medio sed secundum rationem boni est in extremo.*

[49] Johannes Versor, fol. v r: *Ad terciam dicitur quod licet virtus sit perfectior operationibus quibus generatur, tamen operationes consequentes ipsam virtutem ad quam ordinatur virtus sunt perfectiores virtute.*

[50] Johannes Versor, fol. lv r: *Respondetur quod duplex est virtus moralis, quaedam est imperfecta quae nihil aliud est quam aliqua inclinatio in nobis existens ad aliquid opus bonum faciendum sive talis inclinatio sit in nobis a natura sive ex assuefactione . . .* fol. lv v: *Ad secundam dicitur quod quando homo bonum operatur non secundum propriam intentionem sed motus ex consilio alterius non est omnino perfecta operatio ispius quantum ad rationem dirigentem et quantum ad appetitum moventem. It ideo si operetur bonum non tamen operatur simpliciter bene quod est bene vivere.*

clear that for him moral philosophy need concern itself with the behavior and actions of individuals. It also makes clear that the social behavior and actions of human beings in a social context is of great importance to him.[51] He in fact makes the point that the decisions for the good of the community that are normally regarded as belonging to the sphere of politics are more important than those taken on behalf of the family or an individual. While he thinks that all these decisions require the exercise of prudence, he sees a clear hierarchy of importance leading from politics, especially legislation, on to familial issues, and then on to personal matters. Personal decisions, therefore, have to be for the good not only of those who make them but also for the good of all.[52] In his formal definition of prudence, Johannes follows the strand of that tradition which stresses the importance of individual moral decision. Nevertheless, he introduces a hierarchy of values according to which prudence should consider the common good as superior to the personal good.

4.5. *John Mair (Johannes Scotus Major, ca. 1467–1550)*

In 1495 John Mair became a Master in Arts at Paris, then later studied theology, which he taught at Paris from 1506–1518, and again from 1525 until 1532. According to Villoslada, John Mair was influenced by John Raulin (1443–1514), who was a disciple of Martin Le Maistre and a nominalistic teacher at the College of Navarre from 1481–1514. He was also influenced

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[51] Johannes Versor fol. 1 r: *Unde cum homo naturaliter sit animal sociale et indigens multis ad vitam suam que ipse sibi solus preparare non posset, consequens est quod homo naturaliter sit pars alicuius multitudinis unde habeat auxilium in sibi necessariis . . . . duo quaedam sunt necessaria vitae, et quo ad ista ponitur domestica multitudo. Alia sunt necessaria non absolute, sed magis debet dici quo ad vite sufficientiam. Non enim sufficit ut homo vivat, sed requiritur ut bene vivat. Et quo ad ista auxiliatur homo a multitudine civili cuius ipse est pars non solum quantum ad corporalia, sed etiam quantum ad moralia. Pro quanto per publicam potestatem cohercentur mali et premiuntur boni. Unde prima pars philosophie moralis considerat bonum unius hominis seu operationes unius hominis ordinatas in finem. Et vocatur monastica a monos quod est unum vel bonum. Et icos scientia, quasi scientia considerans de bono unius hominis. Secunda considerat bonum seu operationes unius hominis et multitudinis domestice. Et dicitur yconomica ab ycos quod est scientia ex nomos quod est domus seu familia. Tercia considerat bonum seu operationes multitudinis civilis et vocatur politica a polis quod est pluralitas et ycos scientia.*

[52] Johannes Versor, fol. iii v: *Sciendum quinto quod totum principalius est parte et per consequens civitas principalior est quam domus et domus quam unus homo. Ideo oportet quod pendentia politica sit principalior quam yconomica . . . ;* lii v: *Ex dictis patet quod dicere politicos non esse prudentes sed de aliis se intromittentes deficiunt quia commune bonum praeferendum est bono particulari, immo perfecte non potest haberi bonum particulare sine bono communi.*

by John Tataret but not by Jacques Lefèvres.[53] His commentary on the ethics was published in Paris in 1530 and was based on the translation of Argyropoulos.[54]

John Mair sees prudence as the most important power with respect to actions, yet he distinguishes different ways in which prudence can be exercised. In contrast to the opinion of Jacob Faber Stapulensis, he thinks that prudence is not subordinate to theoretical knowledge (*scientia*); rather, *scientia* is to be regarded as a part of prudence, at least as far as actions are concerned.[55] With respect to their objects, however, John Mair agrees that there is a hierarchical relationship between wisdom, theoretical knowledge (*scientia*) and intellect on the one hand, and prudence on the other. This is a consequence of the task of prudence, which is defined as the wise provision of what is necessary for living. In this way, prudence lays the groundwork for speculative activities, since without at least some wealth, nobody can engage in philosophy. For John Mair, as for Jacob Faber, a close relationship exists between prudence, understood as the capacity for good practical judgment, and the multitude of acquired moral virtues, because prudence is only capable of judging ends and means adequately if vices do not interfere.[56]

John Mair also refers to the question of whether a morally good act needs to correspond to an actual precept of prudence, which he identifies as an opinion held by William of Ockham. John Mair defends the position held by Tataretus that the correspondence of a moral act to an actual precept of prudence is required only for performing a perfectly virtuous act. Mair argues that if this kind of immediate correspondence is required for

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[53] Villoslada 130–131; Élie, 196–197.

[54] For secondary literature and a complete list of Mair's work, see Olga Weijers, *Le travail intellectuel à la Faculté des arts de Paris: texts et maîtres (ca. 1200–1500) V. Répertoire des noms commençant par H et J (suit à partir de Johannes D.)* (Turnhout, 2003), 118–122. For an overview of Mair's philosophy, see Thomas F. Torrance, "1469–1969. La philosophie et la théologie de Jean Mair ou Major, de Haddington (1469–1550)", *Archives de philosophie* 32 (1969), 531–547.

[55] *Aristotelis Ethica in opus de moribus ad Nicomachum filium, ab Ioanne Argyropylo Bizantio traductum et ab Ioanne Maiore Hadingtonano elucidatum*, Paris 1530, fol. 101 r: *Nunc autem compendio scribens dico consultationem ad prudentiam pertinere tamquam potentialem et adminiculativam, sagacitatemque sollertiam ac scientiam reipsa esse prudentias, sunt enim recta iudicia agibilium. Ita Theosophi ac morales capiunt, verumtamen potissimum prudentiae munus est imperium, in hoc illius vigor relucet.*

[56] Ioannes Maior, *Ethica* (Paris, 1530), fol. 102 v: *Pravitas enim iudicium pervertit, et eo captivatum hominem ducit ut circa rerum agendarum principia homo circumscribatur. Quare patet quod solus studiosus est prudens. Irretitus vitiis multa verba indigeste effutit inter quae more sturni balbutiens aliqua vera per accidens eructat, et hoc in agibilibus.*

every act in order to make it morally good, most people would never be able to carry out morally good or meritorious acts.[57] On the other hand, Mair does not go as far as Tataretus who says that even an act that arises from a natural habit alone can be called virtuous. According to Mair, a virtuous habit must formally have an act of prudence as its necessary condition.[58]

In regard to the unity of prudence, John Mair denies that there is only one type of prudence. According to him, John Buridan and the ancient philosophers whom he follows are mistaken. Since we can direct prudence towards different aims, the corresponding actions and habits are necessarily different. Because of this fact, prudence can be understood as being one virtue only in a collective sense.[59]

In respect to the connection of the virtues, John Mair states that we should agree with Aristotle, since he is the main authority for Cicero as well as for the Christians.[60] He argues therefore that there is a connection between the virtues, at least in the sense that they are all based on the firmness of the will to act according to right reason, and because they all help one other, which is especially the case with the four cardinal virtues. In order to live a perfectly virtuous life, it is necessary that the four

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[57] Ioannes Maior, *Ethica* (Paris, 1530), fol. 102 v–103 r: *Quaeritur, an dictamen prudentiale in rationem obiecti cadat. Ockam ita affirmat, aitque assistentiam prudentiae ad actum moraliter bonum non sufficere. Hoc placitum non est mihi cordi. Paucis contra ipsum argumentor. Ex eo dogmate illiteratorum pars multo maxima nunquam actum moraliter bonum eliciet. Item nec multi sapientum. Itaque nec meritorie. Hoc illatum est rationi dissentaneum. Secundo, illud onerosum nulla ratione fultum non est asserendum. Dicimus itaque quod si tale dictamen in actus obiectum ponatur actum perficit, verumtamen talis obiecti positio minime exigitur.*

[58] Ioannes Maior, *Ethica* (Paris, 1530), fol. 102 v–103 v: *Is habitus est virtus qui non solum est secundum rectam rationem, verum in eodem supposito cum ipsa ratione.*

[59] Ioannes Maior, *Ethica* (Paris, 1530), fol. 104 r: *Quarto, utrum virtutes sint necessario connexe, sicut philosophus in litera innuit. Ad primam dubitationem affirmative responderunt priscorum multi, quos Buridanus qui omnem aetatem in artibus triverat delire insequitur. Pono itaque alias conclusiones, quarum prima est: Non est una prudentia numero. Patet, nullum accidens unum est in variis subiectis. Secunda propositio: Non est eadem prudentia specialissima. Probatur quia ubique ad distinctionem specificam obiectorum sequitur distinctio specifica actuum et ex consequenti habituum obiectorum, sed nulla obiecta specie distinguuntur, igitur. Item quis potest esse prudens in una materia, imprudens vero in alia. Ad Aristotelem autem dico quod prudentia est una uti logica aut alia scientia collective capta, quae est ex differentibus partibus conflata, quae in verum finem tendunt. In proposito quaelibet prudentia ad recte iudicandum circa agibilia versatur.*

[60] Ioannes Maior, *Ethica* (Paris, 1530), fol. 104 v: *Istae rationes <i.e. contra connexionem virtutum> sunt apparentes, et theologi in Aristotelica doctrina non exercitati ob argutiolas peregrine philosophum contra eius expressam mentem pro libito ad sua capita trahunt. Verum postquam Tullius et ecclesiae catholicae proceres Aristotelem imitantur: turpe est ab Aristotelico fonte dilabi.*

virtues be joined together; in this way one can stand firm in diversity, just as a square object stands firm. But if we consider that human beings are not perfectly virtuous, in most people virtues will not always be present.[61]

5. *John Mair and the Concept of Moral and Cardinal Virtues in the* via moderna

Ricardo G. Villoslada S.J. has indicated the eclecticism and the important Scotist influence, which were important elements in the late fifteenth- and early sixteenth-century nominalistic school at Paris. He also suggests that eclectic tendencies probably had their origin in Martinus de Magistris. John Mair tries to reconcile Martin with Duns Scotus.[62] But does this general picture coincide with the observations we have made regarding the ethics of John Mair? We know that eclecticism was characteristic of nearly all theologians belonging to the *via moderna*.[63] Was the new development the broader reception of Duns Scotus within the nominalist tradition? Which tendencies can be observed concerning the reception of the cardinal virtues and the concept of moral virtue in the work of John Mair, if

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[61] Ioannes Maior, *Ethica* (Paris, 1530), fol. 104 v–105 r: *Dico pro eo et positionis consummatione ad hoc, quod homo dicatur aliqua virtute illustris inclytusque virtutum cardinalium et quae in quotidiano usu sunt, requiritur glutinamentum, sic quod immobilis et semper recte stans more quadrati in via virtutis maneat, nec ad dextrum pro quacumque procellosa tempestate discendat. Et ad hoc faciendum de communi lege virtutum cumulus requiritur, quia ab uno vitiorum flatu virtus una, et ab alio alia habentem protegit. Sie quod si trium virtutum cardinalium habitus excellenter habeantur in conditionatis quartae sufficienter ab infesto hoste protegeretur, occurente enim materia illius materiae habitus voluntatis conamine coalescit. Et sic concedo posse esse unam virtutem sine alia, at illa est imperfecta, et novitiis in schola morum conveniens: sed nulla est virtus emicans et egregia sine aliarum societate.*

[62] Ricardo G. Villoslada S.J., *La Universidad de París durante los estudios de Francisco de Vitoria O.P. (1507–1522)* (Rome, 1938), 76–77; 90–91. The authors who were read within the faculty of philosophy by the nominalist school were Albert of Saxony, John Buridan, John Dorp, George of Brussels, Thomas Bricot, and Peter Tataret; in theology, William of Ockham, Robert Holcot, and Gabriel Biel were read and commented on. Both in philosophy and theology, Peter of Ailly and Martin le Maistre were highly estimated. Villoslada mentions also (page 131) that John Mair prepared the first edition of the *Opus parisiense* of Duns Scotus (*Reportata super IV libros Sententiarum nunquam antea impressa* (Paris, 1518), together with Peter de Sault and Jacob Rufin. He also edited the summary of Adam Wodeham's commentary on the Sentences, which had been made by Henry Totting of Oyta under the name of Adam Wodeham.

[63] For the theological influences that led to the formation of the *viae*, as well as a discussion of important characteristics of the *via moderna*, see Sigrid Müller, *Theologie und Philosophie im Spätmittelalter. Die Anfänge der via moderna und ihre Bedeutung für die Entwicklung der Moraltheologie. Habilitationsschrift* (Tübingen, 2006) [in print].

we take him as representative of the *via moderna* and as one of the last representatives of scholastic scholarship at the university of Paris?

Firstly, John Mair's ethics take up the notion of the cardinal virtues. He does not deal with them in depth as his highly regarded predecessor Martin Le Maistre had done, but he integrates them into his mainly Aristotelian concept of the virtues. The virtues are understood as separate from one another, although they need one annother to form perfect virtue. Therefore, according to John Mair, right reason viz. prudence is a sufficient basis for all virtuous acts.

This return to an emphasis on virtues as habits that is based on Aristotle's views is evident also where John Mair deals with the markedly different theory of William of Ockham. According to Ockham, a virtue ethics which emphasizes that habits should direct moral actions, cannot account for morally good acts. John Mair had read Ockham, but he did not approve of his approach to ethics because John Mair does not put the same emphasis on the capacities of reason as Ockham. He emphasizes the fact that vices may hinder practical reason from arriving at correct judgments, and he thinks that it is too demanding to require everybody to deliberate on every single moral judgment.

The theory of Duns Scotus seemed closer to what he himself thought, at least in respect to his emphasis on the importance of habits for carrying out perfectly virtuous acts. In the end, Scotus also did not see any way of calling an act virtuous if it followed from a habit rather than from a concrete moral judgment. Therefore, in the way in which he understands the virtues, John Mair does not follow Scotus either; rather, he builds on the thought of his Parisian colleague, Pierre Tataret. Tataret, although he is called a Scotist, had already diverged from Scotus's understanding of virtue as naming the concordance of an act with the command of right reason. He had proposed that virtuous acts could originate from habits alone. Interestingly, it was Jacob Faber Stapulensis who defended the Scotist and Ockhamist position that every single act had to follow the dictates of right reason in order to be morally good. It was a view that John Versor had defended, at least in regard to a perfectly virtuous act that follows a dictate of right reason and is assisted by an acquired habitual virtue. In respect to John Buridan's approach, John Mair rejects the individualistic tendencies in his thought and expressed in his writings, such as the emphasis on individual prudence, and integrates into his own writing those aspects of Buridan's thought which are compatible with Aristotle's position on the virtues.

6. *Conclusion*

These observations show that major changes were taking place at this late period of the *via moderna*. One of its driving impulses—an emphasis on individual religious or personal self-perfection, whether expressed in a voluntaristic or an intellectualistic framework—had lost its vigour. John Mair, like Pierre Tataret, laid importance on virtuous behavior that can be learned and imitated. This seemed to both John and Pierre a more appropriate ethical model for their time. Authority and common sense were coming to be regarded as the most appropriate principles to guide the actions of the majority of human beings. A plurality of virtues now seemed to correspond better to the diverse situations in which people found themselves in a period that was on the cusp of witnessing enormous upheavals in all spheres of life.

In contrast, it was John Versor, a representative of the *via antiqua*, who emphasized the individual dimension that all virtuous acts possessed, and who argued, as had Ockham, that habitual behavior was not in the true sense virtuous. Nevertheless, he also emphasized—to avoid any individualistic misunderstanding—that no individual act could be called good if it did not also respect the general good. As a consequence of this position, he stressed the importance of political legislation, since, by establishing legal norms, it aimed at the good of all. Legislation was viewed as an exercise of moral prudence, and was consequently interpreted with a far more marked emphasis upon the social and political facets of human behavior and action. This contrasts with an earlier perspective that saw prudence as applying rather to moral decisions in the personal sphere. Thus, at the end of the fifteenth century, we do find positions that arguably paved the way for a more normative approach to ethics.

SINE AUCTORITATE NULLA DISCIPLINA EST PERFECTA: MEDIEVAL MUSIC THEORY IN SEARCH OF NORMATIVE FOUNDATIONS

Christian Thomas Leitmeir*

This essay takes at its starting point a slightly amended version of Isidore's famous dictum from the *Etymologies*, which reads in the original: "Without music no discipline can be perfect" ("Itaque sine musica nulla disciplina potest esse perfecta").[1] In the light of this spirited statement, *musica* seems the most unlikely candidate to be encountered when contemplating changes and crises in normative thought during the later Middle Ages. In fact, if it had been the *conditio sine qua non* of perfect knowledge, as Isidore maintains with some conviction, it would have been aloof of the substantial paradigm shifts that affected so many other intellectual discourses during this time. The same conclusion emerges from a broad consensus in modern scholarship, which generally recognizes Gregorian chant as the embodiment of medieval music *par excellence*. Inspired by the Holy Spirit, written down by Gregory the Great and instituted by St Ambrose, monophonic chant was not only backed up by some of the most important authorities, but also constituted an unbroken tradition of liturgical singing, which is still at the heart of monastic spirituality and Catholic liturgy. Moreover, it does not fail to ravish even today's listeners (whatever their religious beliefs) with its angelic sounds and satisfies a fundamental desire for stepping outside the vicissitudes of life and entering the mystical realm of divine contemplation.

Yet, neither the stability of chant nor its alleged transcendental powers stand the test of historical scrutiny. Upon closer examination it becomes all too clear that the modern perspective, however suggestive it may be, is in more than one aspect skewed: chant was not immune to change or criticism, nor was it an aesthetic object to incite private edification. This is not to mention that the modern notion of music cannot remotely

* The author would like to thank Sigrid Müller for the invitation to contribute to this volume and Elina Hamilton for linguistic scrutiny of the English text.

[1] Isidore of Seville, *Etymologiarum sive Originum libri XXIII*, III.17.1. It should be noted that Isidore refers here to *musica* in the most abstract sense of harmony and proportion, which governs the entire cosmos.

represent the complex layers of meanings it assumed in the Middle Ages.[2] It is almost ironic that the very things we associate with music in modern parlance—a composition or the sounding result of a musical performance—would not have been referred to as *musica*, but instead as *cantus* (song) or defined by its textual incipit, function, form or genre (e.g. Kyrie, introitus, antiphon, ballade, motet). For this reason we have to exercise due caution in order to resist the temptation of a false friend, which will only lead us into a categorical error. Wolfgang Fuhrmann has aptly pointed out the dangers of misinterpretation by examining the simple sentence 'audio musicam', whose literal translation ('I hear music') could not have been further removed from its medieval meaning: 'I hear a lecture on Boethius'.[3]

However, speculative music theory, as codified by Boethius, is only one aspect of *musica* in the Middle Ages. While comprehensive terminological discussion of this multi-faceted term is beyond the scope of this study,[4] I will at least attempt to disentangle the semantic threads and sub-threads sufficiently to make it transparent that *musica*, like its sister disciplines, suffered from a crisis of normative and authoritative reasoning. It needs to be stressed that *musica* is not to be confused with musical composition or performance per se, even though it can, and indeed should, form their basis. Instead, it consists in the theoretical reflection of 'all things musical' and thus operates essentially on the same level as other fields of knowledge.[5] Consequently, it is required to vindicate its doctrines and norms in a similar way through the reference to authorities, the import of principles from disciplines of a higher order or the construction of an intrinsically compelling argument.

With the help of a seminal distinction from Aristotle's Nicomachean Ethics, which was widely used and commented upon in the later Middle

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[2] The history of the term and its use in transition from Antiquity to the Middle Ages has been elucidated by Albrecht Riethmüller, "Musiké—musica—Musik. I. IV.VII.", in *Die Musik in Geschichte und Gegenwart: Sachteil* 6 (Kassel et al., 1997), 221–32. Idem, "Stationen des Begriffs Musik", in *Ideen zu einer Geschichte der Musiktheorie*, ed. Frieder Zaminer, Geschichte der Musiktheorie 1 (Darmstadt, 1985), 59–95.

[3] Wolfgang Fuhrmann, *Herz und Stimme: Innerlichkeit, Affekt und Gesang im Mittelalter*, Musiksoziologie 13 (Kassel et al., 2004), 27.

[4] The best attempt at a comprehensive understanding of *musica* so far is presented in the monograph by Max Haas, *Musikalisches Denken im Mittelalter: Eine Einführung* (Bern et al., 2005), which goes far beyond the understated purpose of "an introduction".

[5] Haas reduces *musica* to its smallest terminological denominator as a "mode of reflecting organized shaping of sound" ("Reflexionsform von organisierter Klanggestaltung"). Haas, *Musikalisches Denken im Mittelalter*, 15–17 and passim.

Table 1: *Musica quid est?*
A terminological diaeresis based on Aristotle, *Nicomachean Ethics*, VI.3

MUSICA			
Musica speculativa/theorica		Musica practica	
scientia (*habitus demonstrationis*)		ars (*habitus factivus cum ratione*)	[usus]
		cantus planus	organum musica mensurabilis
subject multitudines ad aliquid (arithmetic proportions)		**subject** monophony (chant)	**subject** polyphony
subdivision 1. Musica mundana 2. Musica humana 3. Musica quæ in quibusdem consistere dicitur instrumentis		• intervals • modes	• consonances • contrapunctus • (metered) rhythm
Authorities Pythagoras (inventor) Plato, Chalcidius, Macrobius etc. Boethius, *De institutione musica*		**authorities** Gregory the Great and Ambrose (inventors) Guido von Arezzo John of Affligem	**authorities** none [from the 14th century: Franco of Cologne (inventor)]

Ages,[6] it is possible to differentiate the unsatisfactory subject definition 'all things musical' into different musical reflection (Table 1). At its most abstract, *musica* assumes the status of a science (*scientia*), which is exclusively concerned with facts and circumstances, governed by necessity and not subject to change. The scientist in this Neoplatonic tradition seeks first and foremost to rise above the variable (and delusive) level of phenomena to understand the eternal laws of the cosmos, as instituted by the Divine Creator, who had ordered the world in measure, number and weight.[7] Aristotle defines its characteristic *habitus*

[6] This approach has been inspired by Max Haas, "Studien zur mittelalterlichen Musiklehre I: Eine Übersicht über die Musiklehre im Kontext der Philosophie des 13. und frühen 14. Jahrhunderts", in *Aktuelle Fragen der musikbezogenen Mittelalterforschung: Texte zu einem Basler Kolloquium des Jahres 1975*, eds. Hans Oesch and Wulf Arlt, Forum Musicologicum: Basler Beiträge zur Musikgeschichte 3 (Winterthur, 1982), 323–456, see especially 375f. and 397.

[7] Book of Wisdom 11:21 (Vulgata): "omnia mensura et numero et pondere disposuisti".

as one of demonstration (Eth. Nic. 1139b31: "habitus demonstrationis") and thus draws a line between noble occupation of speculative science and lesser activities of action, application or empirical observation. The musician in the quadrivial tradition then is in essence a mathematician in the Neoplatonic mould. Twinned with arithmetic, which has *multitudes per se* (numerical quantities per se) as its subject, *musica theorica* investigates the relation between quantities (*multitudines ad aliquid*); in other words, proportions.[8] Boethius, whose *De institutione musica* became the classic textbook on the subject for the entire Middle Ages, outlines three areas of inquiry: musical proportions as found in the cosmos (*musica mundana*), the human body and soul (*musica humana*) and, significantly only third in order, 'which are said to consist in certain instruments ('quae in quibusdam consistere dicitur instrumentis').[9] It becomes instantly clear that, thanks to its speculative streak and its strong grounding in authoritative texts (from Pythagoras and Plato to Macrobius, Chalcidius and their many commentators as well as Boethius), speculative music theory remained blissfully unaffected by the changing paradigms of moral reasoning, which form the main subject of this investigation. This is all the more surprising, since Boethius himself remarks, however cursorily, that *musica theorica*, unlike the other quadrivial arts, is linked not just with metaphysics, but shares some common ground with morality: "ceterae quidem in investigatione veritatis laborent, musica vero non modo speculationi verum etiam moralitati coniuncta sit".[10] Whilst this concession remained without consequences for the self-image of the discipline, its elevated status as abstract science became somewhat underminded through an empirical turn, when, by the end of the thirteenth century, *musica* became redefined as a *scientia media*, which uses mathematical tools (arithmetic proportions) in order to describe physical phenomena (sound).[11]

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[8] Boethius, *De institutione arithmetica*, I.1.

[9] Boethius, *De institutione musica*, I.2.—Anja Heilmann has recently evaluated Boethius' musical writings within the context of theology and Neoplatonism and shed new light especially on the triad of *musica mundana*, *humana* and *instrumentalis*. Anja Heilmann, *Boethius' Musiktheorie und das Quadrivium: Eine Einführung in den neuplatonischen Hintergrund von 'De institutione musica'* (Göttingen, 2007).

[10] Boethius, *De institutione musica*, I.1: "The other quadrivial arts are exclusively occupied with the investigation of truth, but music is not only connected with speculation, but with morality as well."

[11] Eva Hirtler, "Die *musica* im Übergang von der *scientia mathematica* zur *scientia media*", in *Musik—und die Geschichte der Philosophie und Naturwissenschaften im Mittelalter. Fragen zur Wechselwirkung von 'musica' und 'philosophia' im Mittelalter*, ed. Frank Hentschel, Studien und Texte und Geistesgeschichte des Mittelalters 62 (Boston

Much less comfortable were the conditions under which *musica practica* was carried out. Since it is defined as an art (*ars*) rather than a science, it does not pursue knowledge for its own sake, but finds it ultimate goal in informed action. The practitioner of this art, according to Aristotle, operates from the *habitus factivus cum ratione*, a habit which is productive with (*sc*. under the guidance of) reason (Metaph. 1140a6–9). This places it in direct opposition to *usus*, the habit of a musical performer who might be capable of producing sweet sounding music, but lacks any theoretical knowledge of and qualification for what he is doing, and how and why he is doing it—in short, the brainless musician who must always have existed and was already ridiculed a millennium ago by Guido of Arezzo's devastating statement: "Nam qui facit quod non sapit, diffinitur bestia" ("For he who does what he does not understand, is defined as beast").[12]

Music as an *ars* goes beyond *usus* by establishing the normative principles, which guarantee good practice of the art. Being thus informed, a *musicus* (rather than a mere *cantor*) is not only in a position to account meticulously for his own performance; he possesses the qualification to act as arbiter to judge the performances of others and can teach people how to produce music in compliance with the inherent rules of the discipline. While *ars* shares with *scientia* the search for theoretical principles, it is clearly distinguished from the latter by being practice-oriented. This has significant implications for the definition of their subject matters: science is confined to things that exist or come into being by necessity and obey eternally valid natural laws. *Ars*, on the other hand, deals with artificial objects contingent on their individual producers.[13] The contingency of human agents and their actions/products (*actio*/*factio*) poses considerable problems, for it is no longer possible to establish principles which can justifiably claim universal validity. On these grounds, *ars musica* runs into a similar dilemma as the *ars ethica*, which analogously aims to theorize and evaluate human acts and, by the same token, instruct its

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and Cologne, 1998), 19–37.—The relevance of sense perception within the context of Boethian *musica theorica* formed the subject of a collection of essays: *The Second Sense: Studies in Hearing and Musical Judgement from Antiquity to the Seventeenth Century*, eds. Charles Burnett, Michael Fend and Penelope M. Gouk, Warburg Institute Surveys and Texts 22 (London, 1991).

[12] Guido of Arezzo, "Regulae rhythmicae", in *Divitiae musicae artis* A/IV, eds. Joseph Smits van Waesberghe and Eduard Vetter, (Buren: Knuf, 1985), 92–133, at 95. The equation of such singers with birds has been explored recently in Elizabeth Eva Leach, *Sung Birds*: *Music, Nature, and Poetry in the Later Middle Ages* (Cornell, 2007), chapter 2: "Birdsong and Human Singing", 55–106.

[13] Aristotle, Nicomachean Ethics, 1140a10–15

disciples to act morally, guided by theoretical insights. Although the exact relation between these two disciplines remains to be determined,[14] one may provisionally work from the assumption that it is characterized by subalternation: Moral philosophy strives for the definition of principles, which guarantee the quality of human behavior in general, while *musica practica*—topically defined as "ars recte et bene modulandi"[15]—establishes principles for a specific field of human activity: the evaluation and production of 'valid' (*recte*) or 'beautiful' (*bene*) music.

That the *ars musica*, more than other mechanical arts (such as architecture), has a strong moral dimension had been recognized already in Classical Antiquity. Music's power to move the listeners (*against* their will and disposition) prompted Plato and Aristotle, to name but the two most prominent authors, to regulate musical practices in order to ensure that the manipulation served only therapeutic and pedagogical functions.[16] For the same reason, the Christian tradition perceived music as a double-edged sword that could lead listeners and singers heavenwards or to damnation, edify or corrupt the souls, fill the hearts with pious sentiments or beguile the senses with all too worldly pleasures and vanities. A rich corpus of theological and disciplinary texts from the Middle Ages makes evident that this dilemma could not be controlled through general legislation alone, since the main responsibility lay with the individual (singer

[14] The scope of this contribution does not allow to work out the epistemological implications of this analogy or to even dare to propose a philosophically watertight definition of *musica practica* in relation to moral theology and philosophy, which would require tackling many a thorny issue. A promising starting point for future inquiry (from a musical point of view) can be found in Haas, *Musikalisches Denken im Mittelalter*, 132–145, who makes some valuable observations on the blurred distinction between the seemingly opposed terms *actio* and *factio*. From a philosophical perspective, this is supported by Theodor Ebert, "Praxis und Poiesis. Zu einer handlungstheoretischen Unterscheidung des Aristoteles", *Zeitschrift für philosophische Forschung* 30 (1976), 12–30.

[15] The first part of this definition (*bene modulandi*), which allegedly goes back to Varro, features in a plethora of treatises, starting with Augustine (*De musica*, i.2). From the later Middle Ages onwards (beginning with Petrus dictus Palma ociosa), it is increasingly paired with the specification *bene*, which, as Margaret Bent has convincingly argued, adds a rhetorical element to the original grammatical meaning. Margaret Bent, "The Grammar of Early Music: Preconditions for Analysis", in *Tonal Structures in Early Music*, ed. Cristle Collins Judd (New York and London, 1998), 15–59, at 29.

[16] The *loci classici* of this discussion are Plato, *Republic*, III, 398b–400b, and Aristotle, *Politics*, VII, 1339a11–1342b34. Hermann Abert, *Die Lehre vom Ethos in der griechischen Musik. Ein Beitrag zur Musikästhetik des klassischen Altertums. Nachdruck mit einem Geleitwort von Heinrich Hüschen* (Tutzing, 1968). Martin West, *Ancient Greek Music* (Oxford, 1992), 246–253.

and listener).[17] To put it bluntly: a singer, who manages to send listeners into mystical ecstasy, may be doomed, if he relishes self-complacently in the impressive effect of his vocal skills instead of singing, gratefully and devoutly, for the greater glory of God. The solution to these questions, which required the definition of general guidelines as well as a critical reflection of intentionality and a host of ethical issues, could not be accomplished within the field of *musica practica* alone, but only in cooperation with, or reliance on, moral philosophy and theology.

It is important to note that practical music theory was in need of teaming up with other disciplines anyway. Unlike *musica theorica*, its speculative sister art, it was characterized by a lack of *auctoritates*, which would have provided a secure set of theoretical paradigms and principles. This may seem less critical with regard to the first sub-branch, which was supposed to provide instruction in *cantus planus* (plainchant). Since chant has formed an essential ingredient of Christian liturgy across the centuries, one tends to forget that its authoritative foundations are relatively weak. When Thomas Aquinas examined the question of 'whether songs should be used for the praise of God', he could only adduce a single argument in favor of chant, which stands alone in defending it against a phalanx of objections from the Bible (Psalm 32:2f.; Colossians 3:16; Revelation 14) and authoritative heavyweights such as St. Jerome (commentary on Ephesians 5:19) and, curiously, even Gregory I, into whose ear the Holy Spirit had allegedly dictated the chant melodies.[18] In the context of Aquinas' *Summa*, however, Gregory joins the chorus of chant opponents by issuing the decree that the ministers of the sacred altar must not sing: "[…] constituo ut in sede hac altaris ministri cantari non debeant" (Regist. iv, ep. 44).[19] Deserted even by its divinely inspired *auctor* and *inventor*, the fate of chant dangles on the string of Ambrose, who, needless to say, has power to swing the case: "Sed contra est, quod beatus Ambrosius in ecclesia Mediolanensi cantus instituit, ut Augustinus refert, in IX Confess."[20]

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[17] A magisterial study of the medieval tradition, which excels both in scope and depth, was recently presented by Fuhrmann, *Herz und Stimme*.

[18] Regarding this legend, see for instance: Helmut Hucke, "Die Entstehung der Überlieferung von einer musikalischen Tätigkeit Gregors des Grossen", *Musikforschung* 9 (1955), 259–264. David Hiley, *Western Plainchant: a Handbook* (Oxford, 1993), 503–513.

[19] *Corpus iuris canonici. Editio Lipsiensis secunda*, eds. Ludwig Aemilius Richter and Emil Friedberg, vol. 2: Decretum Gratiani. Pars Prior (Leipzig, 1881; Repr. Graz, 1959), cols. 318f. It should be noted that Gregory's stipulation is only aimed at officiating priests.

[20] "On the contrary, blessed Ambrose had instituted songs in the church of Milan, as Augustine reports in book IX of his *Confessions*." The whole argument is found in Thomas

As Thomas Aquinas presents it, the only, if decisive, argument in favor of chant in Christian worship is the tradition of the Church, where it had been an institutionalized practice since the time of Ambrose.

That tradition becomes the last straw to clutch in Thomas' argument may be more than a coincidence, since it proves to be the one criterion on which all medieval regulations (including the many reforms) of liturgical singing fall back. From the Synod of Meaux (845) on, textual or musical changes and additions to the received chants were repeatedly prohibited, if normally to little avail.[21] Moreover, the theoretical frameworks and forms of notation developed during the Carolingian era were without any precedent in classical antiquity or the Patristic times. Charlemagne's policy to adopt the same chants throughout his dominions created a necessity for chant instruction, resulting in new textbooks, which, often for the first time, provided a systematic reflection on concepts such as modality.[22] These, as well as the first attempts at notation, were innovations for pragmatic and didactic purposes and consequently without the backing of authorities, until a standard practice evolved with the treatises of Guido of Arezzo (best known to posterity for his 'invention' of staff lines and solmization)[23] and, to a lesser degree, John of Affligem/Johannes Cotto.[24] While these two authors rose to the status of widely acknowledged *auctoritates* on the topic—Guido even earned the epithet 'inventor'—their status could be challenged all too easily. Without much ado, the theologian Nicholas of Lyra (1270–1340) simply dismissed the value of Guido's teachings with the laconic statement: "one need not pay much attention to the words of Guido, since he is without authority".[25] Whilst so radical

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von Aquin, *Summa Theologiae* II-II q. 91 a. 2: Utrum cantus sint assumendi ad laudem divinam.

[21] Ironically, the first record of new chant genres or melodies is within the context of prohibitions, as is the case with the above-mentioned musical and/or textual additions, called tropes. Gabriel Silagi (ed.), *Liturgische Tropen. Referate zweier Colloquien des Corpus Troporum in München (1983) und Canterbury (1984)*, Münchener Beiträge zur Mediävistik und Renaissance-Forschung 36 (Munich, 1985), VII.

[22] Among the most recent literature, see Kenneth Levy, *Gregorian Chant and the Carolingians* (Princeton, 1998), who also proposes some controversial theories on the (supposed) origins of chant notation.

[23] This aspect has recently been revisited in an insightful essay by John Haines, "The Origins of the musical Staff", *The Musical Quarterly* 91 (2008), 327–378.

[24] Johannes Affligemensis, *De musica cum tonario*, ed. Josef Smits van Waesberghe, Corpus scriptorum de musica 1 (Rome, 1950). Guido of Arezzo, *Micrologus*, ed. Josef Smits van Waesberghe, Corpus scriptorum de musica 4 (Rome, 1955).

[25] "Dicendum quod de dicto illius Guidonis non est multum curandum, cum nullius est auctoritas". *Biblia latina cum postillis Nicolai de Lyra et expositionibus Guillelmi Britonis in*

a dismissal was the exception, it showed that Guido's word, while valued among practical musicians, counted for little in academic circles.[26]

Some weaknesses on the authoritative front notwithstanding, the theory of *musica plana* was at least never obliged to justify its own subject, since the singing of chant had never been seriously drawn into question. Thus, it was in a much more favorable position than the other branch of *musica practica*, the theory of polyphonic music. Without any demonstrable precedent in ancient or Patristic times, treatises on counterpoint and, from the later thirteenth century onwards, mensural (i.e. ryhthmic) notation, were unable to build upon a commonly approved authority to vouch for their validity or even to name an inventor of the art. The total lack of *auctoritates* left the theory of polyphonic music in a precarious epistemological situation. Deprived of guarantors, treatises on *organum* and *musica mensurabilis* ran the risk of being fundamentally dismissed as novel, unqualified and questionable—in fact, one of the reasons why mensural music suffered notorious criticism from the Church.[27] The situation was exacerbated by the fact that polyphonic practices and repertoires were in a constant state of transition, whereas chant formed a more or less fixed corpus, which remained in use over many centuries. As a result, the authors of textbooks on polyphony had to adjust and revisit their norms persistently in order to keep pace with recent developments in contrapuntal and notational techniques. This led not only to a short life-span of theoretical frameworks, but also gave their treatises an experimental and innovative edge which made the backing through *auctoritates* an all the more pressing concern.

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omnes prologos S. Hieronymi et additionibus Pauli Burgensis replicisque Matthiae Doering, 4 vols. (Venice, 1489), postilla on 1 Kings 16. Original text and translation quoted from Joseph Dyer, "The Power of Music according to Two Medieval Philosophers", in *Dies est letitie: Essays on Chant in Honour of Janka Sendrei*, eds. David Hiley and Gábor Kiss (Budapest et al., 2008), 211–235.

[26] Joseph Dyer, "Speculative 'musica' and the Medieval University of Paris", *Music & Letters* 90 (2009), 177–204, at 203.

[27] The proscriptions of polyphony are legion and regularly featured on the agenda whenever a reform of the church or a monastic order was attempted. A selective list of monastic prohibitions or of polyphony is given in Christian Thomas Leitmeir, "Arguing with Spirituality against Spirituality. A Cistercian Apologia for Mensural Music by Petrus dictus Palma ociosa (1336)", in *Archa Verbi. Yearbook for the Study of Medieval Theology* 4 (2007), 115–159, at 184.—The *longue durée* of such prohibitions (inside and outside ecclesiastical circles) is ironically confirmed through Rob C. Wegman, *The Crisis of Music in Early Modern Europe, 1470–1530* (New York, 2005), who provides a rich collection of source material, but does not recognize that most of the spirited rejections of polyphony are based on much older tropes.

Unable to find them within their own discipline, the authors of treatises on polyphonic music had to be inventive. A popular way to fill the authoritative void was the import of paradigms, concepts and argumentative tropes from disciplines of approved epistemological status. The borrowings from the trivial arts (grammar and rhetoric), arithmetic, logic, metaphysics and Arabic learning in particular have been amply documented in musicological studies.[28] However, the moral dimension of these surrogate *auctoritates* has largely gone unnoticed. They were, after all, not merely an aid to construe a cohesive argument. Especially with regard to the theory of polyphony, *musica practica* had to accomplish the following goals, which were more directly connected with moral than with epistemological issues:

1. Theorists had to refute the expected objection that the innovations were the product of uninformed and ignorant practitioners, who were reputed to follow just their whim and vanity (and thus were of a morally dubious status).
2. Theorists had to reflect the ever-changing practices of counterpoint (be it 'extemporized' in performance or written down)[29] within a theoretical framework of established paradigms and propositions. They were faced with the task of always finding anew a balance between practice (which was in constant fluctuation) and theory (which aimed towards universally valid statements). This task invited them to turn to ethics, which was equally concerned with the problems of contingency and the context-dependence of human actions.

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[28] Mathias Bielitz, *Musik und Grammatik. Studien zur mittelalterlichen Musiktheorie*, Beiträge zur Musikforschung 4 (Munich and Salzburg, 1977). Marie-Elisabeth Duchez, "Descriptions grammaticale et description arithmétique des phénomènes musicaux: le tournant du IX^{e} siècle", *Sprache und Erkenntnis im Mittelalter: Akten des VI. Internationalen Kongresses für mittelalterliche Philosophie der Société internationale pour l'étude de la philosophie médiévale*, ed. Jan P. Beckmann et al., Miscellanea mediaevalia 13/2 (Berlin and New York, 1982), 561–579. *Eadem*, "Vocabulaire musicale et conceptualisation musico-scientifique", *Documents pour l'histoire du vocabulaire scientifique* 2 (1982), 1–18. Fritz Reckow, "Vitium oder Color rhetoricus? Thesen zur Bedeutung der Modelldiziplinen grammatica, rhetorica and poetica für das Musikverständnis", *Forum musicologicum: Basler Beiträge zur Musikgeschichte* 3 (1982), 307–321. Frank Hentschel (ed.), *Musik—und die Geschichte der Philosophie und Naturwissenschaften im Mittelalter. Fragen zur Wechselwirkung von 'musica' und 'philosophia' im Mittelalter*, Studien und Texte zur Geistesgeschichte des Mittelalters 62 (Leiden et al., 1998). Dorit Tanay, *Noting Music, Marking Culture: The Intellectual Context of Rhythmic Notation, 1250–1400*, Musicological Studies and Documents 46 (Holzgerlingen, 1999). Haas, *Musikalisches Denken im Mittelalter*, especially 422–550.

[29] On the distinction of these two modes of counterpoint see Margaret Bent, "*Resfacta* and *Cantare super librum*", *Journal of the American Musicological Society* 36 (1983), 371–391.

3. Theorists of polyphonic music had to demonstrate that their rules and norms had the power to lead to 'good' works, if correctly observed, and to test the validity of polyphonic practices and compositions against benchmark criteria.

The need to avert moral suspicions is recognizable from the very outset of theorizing polyphony, which is first described in a group of Carolingian treatises: The *Musica enchiriadis* (lit.: music handbook) was pioneering in many respects, including its instructions for singing *organum* or *diaphonia* in parallel octaves, fifths and fourths (with some modifications owing to the constraints of the pitch system). Widely disseminated and read, its contents were turned into didactic dialogues to be used in a school context, the so-called *Scolica enchiriadis*. An interpolation to one of these texts (Bamberg Dialogue II), the disciple (Δ) put before his teacher (M: magister) the question whether the taught polyphonic practices are founded in reason (*ratio*) and in line with God's commands:[30]

Δ: Addhuc redde rationem, rogo, organalium causarum.
M: Sufficienter omnia superius exposita putavi. Sed dubitata profer a me rationem accepturus.
Δ: Posco, si Deus facultatem dederit, ut, quis sonus alio organizet, mihi edisseras.
M. Recta queris; etenim hac prolata ratione decentius modulamur laudis Dei gloriam. Ponamus ergo sub aspectu exemplum, ut facilius eluceat, qualiter debeat intelligi, quis sonus debeat alteri organizzare.

Δ: I beg you, then, to account for the rational foundations of *organa*.
M: I thought I had exposed everything sufficiently above. But bring to my attention what is doubtful (*dubitata*) and you shall receive an explanation from me.
Δ: I ask you to tell me, whether God has given us the faculty that one note sounds together with another in organum.
M: You ask a good question. For according to the described rules (*ratio*) we can sing the praise of God even more appropriately.

[30] Bamberg Dialogus II (Bamberg, Staatsbibliothek Cod. HJ. IV. 20, fol. 63r): *Musica et Scolica Enchiriadis…*, ed. Hans Schmid, Bayerische Akademie der Wissenschaften—Veröffentlichungen der Musikhistorischen Kommission, 3 (München, 1981), 271. An earlier edition with German translation is found in *Die Lehre vom Organum bis zur Mitte des 11. Jahrhunderts. I: Edition,* ed. Ernst Ludwig Waeltner, Münchner Veröffentlichungen zur Musikgeschichte 13 (Tutzing, 1976), 48.

It seems beyond doubt that the author of the Bamberg Dialogue put this question deliberately into the mouth of the hypothetical pupil, for it provided him with a much-needed opportunity to refute potential criticism that new *organum* practices were against nature and God's providence. These concerns, which after all were very real, are silenced by the teacher with the laconic assurance that indeed *organum*, if executed according to the prescribed rules (*ratio*), is even more appropriate and efficacious in singing God's praises. Notably, in the absence of any external evidence, the magister has to make this claim exclusively on the strength of his *own* authority: a strategy that proves efficacious only insofar as the author of the treatise has full control over the two dialogue partners. Once a more inquisitive student would persist to quiz his teacher, the conceit of authority would soon be unmasked.

The example is telling in two ways: It shows that the theory of polyphony was in need of a spirited defense from its very beginning and that its authors were desperate to conjure up some *auctoritas*. The prologues of medieval treatises on *organum* and *musica mensurabilis* are thus sprinkled with quotations of classic reference texts in order to provide, however feebly, an authoritative grounding of the ensuing musical doctrines. Works of Aristotle were particularly popular in this respect, since the Philosopher offered the protection of the biggest *auctoritas* in academic circles. At the opening of his *Pomerium*, Marchetto da Padova, for instance, discusses the content of his treatise by plunging straight into a distinction according to the four Aristotelian causes and does not miss the opportunity to stress that the second part of his treatise takes *De anima* as his starting point:[31]

> *Primae Partis Primi Libri Diviones Praemittuntur*
> [1] Quattuor sunt causae, scilicet materialis, formalis, efficiens et finalis: [2] materialis, ipsa musica mensurata; [3] formalis, modus tractande de ipsa in hoc opere;
> [4] efficiens, ipsa actor; [5] finalis, ut sciatur musica mensurata, etiam et cantari rationabiliter, et non pro libito voluntatis, sicut quibusdam videtur.
> [6] Libri titulus talis est: INCIPIT POMERIUM, etc.
> [7] Iste liber dividitur primo in duas partes, scilicet in proemium et tractatum.
> [8] Secunda pars incipit ibi: *Quoniam dicente Philosopho de Anima*.

[31] Marchetto da Padova, *Pomerium*, ed. Joseph Vecchi, Corpus Scriptorum de Musica 6 (Rome, 1961), 31. This passage is omitted only in a fifteenth-century copy (Tremezzo, Biblioteca Conte Gian Ludovico Sola-Cabiati, without pressmark) and possibly was cut because the scribe, the learned music theorist Gaffurio, had not seen the need for so lengthy a preface on the organization of the treatise.

A similar overcompensation of the lack of *auctoritates* can be diagnosed at the beginning of the actual treatise, where Marchetto invokes Aristotle again for a learned argument on the cognitive and epistemological value of accidentals. From there he moves directly on to the subtle discussion of where exactly to place stems (*caudae*) in relation to note-heads and what they should best be called. It is notable that he goes into these highly specialized minutiae without any introduction into mensural notation and counterpoint. Together with his general tendency to burden the actual argument with lengthy digressions and spin-off comments, Marchetto creates—deliberately, as I would argue—the perfect lookalike of a sophisticated discussion as it were to be conducted in intellectual circles, and thus makes his readers oblivious of the fact that, actually, his discussion rested on very weak authoritative foundations.

A generation before Marchetto, the Dominican theorist Jerome de Moravia was in even greater need of defending mensural music, since his order had stipulated a severe ban of all polyphonic practices, which is believed to have included the singing in parallel octaves. Earlier in the thirteenth century the General Chapter of the Order had decreed that "cantus autem iste debet esse sine discantu et sine octava", a prohibition which remained valid throughout the Middle Ages.[32] Thus Jerome was in dire straits when, around the year 1280, he set out to teach up-to-date (and hence even more innovative) practices.[33]

He tackled the issue on two fronts: First of all, he included his teachings on polyphony in an encyclopaedic compilation of musical knowledge,[34] which went through *musica speculativa, cantus planus* and *musica mensurabilis* in decreasing order of authoritative credentials. Those readers who actually managed to get through to the final section on mensural music, could have been sufficiently convinced of Jerome's factual expertise so as to be more favorably disposed towards the disreputable subject

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[32] *Acta Capitulorum Generalium Ordinis Praedicatorum: I, 1220–1303*, ed. Andreas Frühwirth and Benedictus Maria Reichert, Monumenta Ordinis Fratrum Praedicatorum historica 3 (Rome, 1898), 43.

[33] It is interesting to note that, despite these prohibitions, polyphony seemed to flourish to some extent within the Dominican order, as Jerome's treatise and a number of musical sources prove: Michel Huglo, "Il Manoscritto 1136 della Biblioteca Oliveriana di Pesaro", *Rivista Italiana di Musicologia* 9 (1974), 35, note 32. Kenneth Levy, "A Dominican Organum Duplum", *Journal of the American Musicological Association* 27 (1974), 183–211.

[34] Its value as a reference work has been reflected by the fact that it became the main music textbook in the library of Paris University. Michel Huglo, "La place du *Tractatus de Musica* dans l'histoire de la théorie musicale du XIII^{e} siècle: Étude codicologique", in *Jérôme de Moravie: un théoricien de la musique dans le milieu intellectuel parisien du XIII^{e} siècle*, ed. Christian Meyer (Paris, 1992), 33–42.

of polyphony. Secondly, he reflected the normative insecurity by presenting five different views on the matter (Cap. 26):[35]

> *De quo quidem sunt V positiones solemnes, una scilicet vulgaris, ceterae vero speciales. De quibus omnibus singulariter infra dicemus his pluribus de causis: primo scilicet, tum cum secundum diversas hominum conceptiones diversi libri diversimode sint vocati ad eorundem librorum plenam intelligentiam, tum, quia una positio declarat aliam, tum etiam, quia una super aliam in aliquibus addit scientiam, tum quidem ad illorum, qui non propter se, sed potius propter mensurabilis musicae scientiam addiscunt theoricam instructionem plenariam.*
>
> On [the discantus] there are five dignified positions, a common one (*vulgaris*), the others more specialized. Of all these we shall speak below individually for the following number of reasons: first, because according to the different ideas among men different books should be called upon differently so that one could get the full sense out of all these books; then, because one position makes a different declaration from the other; moreover, because one adds knowledge to the other in some respects; then for the benefit of those, who learn the full theoretical instruction not for its own sake, but rather for the knowledge [*sc.*, practical proficiency] of mensural music.

Jerome's statement makes crystal clear why he opted for reproducing, with minimal interlinking commentary, the following treatises, listed in chronological order:[36] 1. *Discantus positio vulgaris*;[37] 2. Johannes de Garlandia, *De musica mensurabilis*;[38] 3. Franco of Cologne, *Ars cantus mensurabilis musicae*;[39] 4. Petrus Picardus, *Musica mensurabilis*; 5. *Arbor magistri Johannes de Burdundia*.[40] Since he decided to let them speak for themselves rather than mould them into a single authoritative account,

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[35] Hieronymus de Moravia OP, *Tractatus de Musica*, ed. Simon M. Cserba, Freiburger Studien zur Musikwissenschaft 2 (Regensburg, 1935), 189.

[36] The chronological order is flagged up in Jerome's interlinking commentaries at the transition between treatises. After the *Discantus positio vulgaris*, for instance, he states: "Haec est prima positio. Qua quia quaedam nationes utuntur communiter, et quia antiquior est omnibus, vulgarem esse diximus. Sed quoniam defectuosa est, ideo positionem, quae Johannis de Garlandia est, subvectimus" (Ibid., 194).

[37] Ibid., 189–194. An English translation of this treatise (based on the version found in Jerome's *Tractatus*) is given in Janet Knapp, "Two 13th-Century Treatises on Modal Rhythm and the Discant", *Journal of Music Theory* 6 (1962), 200–215, the translation at 203–207.

[38] Hieronymus de Moravia, *Tractatus de musica*, 195–230. A critical edition of the treatise is presented in: Johannes de Garlandia, *De mensurabili musica. Kritische Edition mit Kommentar und Interpretation der Notationslehre*, ed. Erich Reimer, 2 vols., Beihefte zum Archiv für Musikwissenschaft 10/11 (Wiesbaden, 1972).

[39] Hieronymus de Moravia, *Tractatus de musica*, 230–263. A critical edition of the treatise is presented in: Franco de Colonia, *Ars cantus mensurabilis musicæ*, ed. Gilbert Reaney and André Gilles, Corpus Scriptorum de Musica 18 (Neuhausen, 1974).

[40] Unfortunately, the final *positio*, which would have consisted of a tree diagram, is missing from the only manuscript copy of the treatise (Paris, Bibliothèque nationale, lat.

he could not have been held responsible if his order took issue with the presence of such tainted material.

In this context it is significant to observe how Jerome countered objections already in the prologue to his compendium. In addition to lengthy quotations from Boethius (*De inst. mus.*, I.1) and Johannes Cotto (*De musica*, II), two classic authors on *musica speculativa* and *cantus planus*, he outlined the purpose of his treatise with a paragraph that closely paraphrases two out of three sentences from the prologue to Aquinas' *Summa theologica*:[41]

> *Hieronymus de Moravia OP, Tractatus de Musica, [Prologus]*
> *[…] Sed consideravimus hujus scientiae novitios in his, quae a diversis conscripta sunt, plurimum impediri partim propter Graecorum vocabulorum inutilium et figurarum multiplicationem, partiem etiam quia ea, quae sunt necessaria talibus ad sciendum, non traduntur evidenter, sed potius obscure et difficulter, partim quirem quia eorum frequens repetitio et fastidium et confusionem generabat in animis auditorum. Haec igitur et alia hujusmodi evitare studentes tentabimus cum confidentia divini auxilii ea musicae artis, quae praecipue ad officium cantantium pertinent, breviter ac lucide prosequi cuncta brevi volumine complicantes, ut non sit necesse quaerenti numerositatem librorum evolvere. Cui brevitas collecta offert quid quaeritur sine labore.*

> *Thomas Aquinas, Summa Theologiae, Prologue*
> *Consideravimus namque hujus doctrinae novitios in his, quae a diversis conscripta sunt, plurimum impediri: partim quidem propter multiplicationem inutilium quaestionum, articulorum et argumentorum, partim etiam, quia ea, quae sunt necessaria talibus ad sciendum, non traduntur secundum ordinem disciplinae, sed secundum quod requirebat librorum expositio vel secundum quod se praebebat occasio disputandi; partim quidem, quia eorum frequens repetitio et fastidium et confusionem generabat in animis auditorum. Haec igitur et alia hujusmodi evitare studentes tentabimus cum confidentia divini auxilii ea quae ad sacram doctrinam pertinent, breviter ac lucide prosequi secundum quod materia patietur.*

Since his readers would have been well familiar with the original passage, Jerome managed to invoke subtly the protection of one the biggest authorities on medieval theology and within his own order. The direct juxtaposition of the corresponding passages makes clear that Jerome

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16663). See Christian Berktold, "Die *arbor* des Johannes de Burgundia", *Cantus planus. IMS Study Group. Papers Read at the 6th Meeting Eger 1993* (Budapest, 1995), 653–664.

[41] Hieronymus de Moravia OP, *Tractatus de Musica*, 5. His model is found in Thomas Aquinas, *Summa Theologica*, Opera omnia, vol. iv, 5.

portrayed himself as a musical equivalent of Aquinas. Minimal textual surgery sufficed to make the transfer from *sacra doctrina*, placed at the top of the hierarchy of university disciplines, to the knowledge required of those whose duty it was to sing (note that the phrase *officium cantantium* places music within the liturgical context of the Divine Office). While Thomas' disciples groan under the weight of studying innumerable futile questions, articles and arguments (*propter multiplicationem inutilium quaestionum, articulorum et argumentorum*), young musicians are troubled similarly by the needless multiplicity of Greek terms and figures used in elaborate notation (*propter Graecorum vocabulorum inutilium et figurarum multiplicationem*). Inspired by the model of Aquinas, Jerome relieves the troubled souls through a comprehensive, yet brief and lucid summary of the subject matter (*breviter ac lucide*), which provides a synthesis of learning including a correction of commonly held errors and confusions.

If Aquinas appears indirectly as spokesman on behalf of music theory in Jerome's treatise, other authors were more ruthless in conjuring up authoritative support. An immensely creative and unique solution is presented in the St Emmeram treatise written in 1279 by an unknown author (Munich, Bayerische Staatsbibliothek, Clm. 14523).[42] The form of presentation was cleverly chosen to imbue the subject matter with weighty authority. *De musica mensurata* is literally written around a didactic poem. The latter not only occupies a central space on the page, but is additionally highlighted through size and color as the core text of the work, which is expounded on a lower level through surrounding interlinear glosses and extended marginal commentaries. Both glossing technique and visual appearance (created in analogy to the *Glossa ordinaria* of Holy Writ)[43] elevate the poem to the status of a classical authority, so it could no longer become a target of fundamental criticism. Even in its mysterious passages, the reference text invites only learned elucidation, but is never in need of justification. The claims to *auctoritas*, however, were only contrived, since the supposedly authoritative poem and gloss stem from the same pen. This visual trick is complemented by another strategy to strengthen the author's "double appeal to authority".[44] The St. Emmeram anonymous portrays

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[42] Anonymus St. Emmeram, *De Musica Mensurata: The Anonymus of St. Emmeram, Complete Critical Edition, Translation and Commentary*, ed. Jeremy Yudkin (Bloomington and Indianapolis, 1990). The digitized manuscript can be consulted through the online catalogue of the Bavarian State Library at: http://daten.digitale-sammlungen.de/~db/bsb00002112/images/.

[43] *Biblia latina cum glossa ordinaria*, 4 vols. (Strasbourg, 1480/81; repr. Turnhout, 1992).

[44] Anonymous St. Emmeram, *De Musica Mensurata*, 6f.

itself as the spirited guardian of the received truth on *musica mensurabilis*, as taught by Johannes de Garlandia, whom he defends against innovative firebrands such as his particular enemy Magister Lambertus.

All the examples presented so far attest that mensural theorists were aware of the lack of authoritative grounding, which would have rendered the discipline vulnerable against objections both epistemological and moral. The latter aspect was not just a secondary concern. After all, treatises on *musica mensurabilis* had to achieve no less than the validation of theorized and recommended 'good' practice, thus combining knowledge and ethics. As such, one should not be surprised to find that a fair few of them reflect on, or at least throw in, moral paradigms and issues. In the prologue to his seminal *Ars cantus mensurabilis musicae*, for instance, Franco of Cologne rephrases a passage from the *Disticha Catonis*, a widely read collection of moral aphorisms, then commonly atttributed to the Stoic philosopher Cato the Elder:

Franco of Cologne: Ars cantus mensurabilis musicae, Prologue 3–4.[45]

> *Quoniam videremus multos tam novos quam antiquos in artibus suis de mensurabili musica multa bona dicere, et e contrario in multis et maxime in accidentibus ipsius scientiæ deficere et* ***errare, opinioni eorum*** *fore* ***existimavimus succurendum.*** *Ne forte propter defectum et errorem prædictorum scientia dicta detimentum pateretur, proponimus igitur ipsam mensurabilem musicam sub compendio declarare; bene dictaque aliorum non recusabimus interponere, erroresque destruere et fugare; et si quid novi a nobis inventum fuerit, bonis rationibus sustinere et probare.*

Cato: Epistula:[46]

> *Cum animadverterem quam plurimos graciter in via morum* ***errare, succurendum opinioni eorum*** *et consolendum famæ* ***existimavi,*** *maxime ut gloriose viverent et honorem contingerent. Nunc te, fili carissime, docebo quo pacto morem animi tui componas. Igitur præcepta mea ita legito ut intellagas. Legere enim et non intellegere neglegere est.*

Like his follower Jerome de Moravia, Franco casts himself as a moral authority whose sole intention is to alleviate the minds of souls troubled by the many contradictions and errors found in contemporary instruction manuals.

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[45] Franco de Colonia, *Ars cantus mensurabilis musicae*, Prologue, 24.

[46] *Disticha Catonis*, ed. Marcus Boas (Amsterdam, 1952), 4. The parallel had first been pointed out by Christopher Page (ed., trans.), *Summa musice: A thirteenth-century manual for singers* (Cambridge, 1991), 217.

Table 2: Music Theory under Postlapsarian Premises

Quoniam circa artem musicam necessaria quedam ad utilitatem cantantium tractare proponimus, necesse est, ut secundum auctoris intentionem subtilissimas regulas summopere subjectas intelligere studeamus. Cum enim humana natura naturaliter omnia scire desiderat et a primi hominis peccato **quatuor** sunt **mala**, que naturam impediunt humanam, scilicet **ignorantia, vitium, imperitia loquendi et indigentia**. Quibus tamen **quatuor bona** sunt opposita, scilicet ignorantie **sapientia**, vitio **virtus**, imperitie loquendi **eloquentia**, indigentie **necessitas**. Ideoque divina clementia philosophis peritia artes inveniendi concessit, ut per eam quisque notitam valeat predicta bona comprehendere et faciendo his lapsam naturam et ad meliorem consistentiam sublimare.

Sources:
- **Magister Lambertus**: *Tractatus de Musica*, Prologue (CS, i, 251)
- **Anonymus**: *Quattuor Principalia*, Prologue of the *Primum Principale* (CS, iv, 201)
- **Guillaume Guerson**: *Utilissime musicales regulæ* (Paris, *c.* 1495), fol. aii recto.
- **Pseudo-Bede**: *Musica quadrata seu mensurata*, Prologue (PL, xc, 919a) largely identical with the treatise of Magister Lambertus
- **Pseudo-Aquinas**: *De Arte Musica*
  Die Thomas von Aquin zugeschriebenen Mensuraltraktate, ed. Michael Bernhard (Munich, 2006), 17, after Biblioteca Universitaria, Compilatio Ticin. N.cxxx D.18
  The first two paragraphs are given in inverse order.

Franco's allusion to Cato's moral commonplaces finds its theological counterpart in a group of late-medieval treatises. The passage shown in Table 2 serves as opening gambit to the late thirteenth-century *Tractatus de musica* by Magister Lambertus, the first book of the *Quatuor principalia* (written and compiled by the Franciscan John of Tewkesbury around 1351) and Gerson's *Utilissime musicales regulae* (*c.* 1495), not to forget two treatises attributed to Aquinas and Bede.[47] Within but a few words, these treatises outline the limitations of knowledge under post-lapsarian conditions. While knowledge is man's natural desire (as the text states with direct recourse to Aristotle's *Metaphysics* I.1.), its acquisition became severely impeded on account of Adam's fall. Once human nature had been thus corrupted, its vision was blurred by the following quartet of evils (*mala*): *ignorantia* (ignorance), *vitium* (vice), *imperitia loquendi* (inability to communicate) and *indigentia* (deficiency). In compensation for this fourfold punishment, however, God had provided the four *bona*: *sapientia* (wisdom), *virtus* (virtue), *eloquentia* (eloquence) and *necessitas*

[47] The attribution to Bede is based on an unspecified (and now lost) manuscript, which was used for the complete edition by Johannes Hervagius, *Opera Bedae Venerabilis presbyteri* (Basle, 1563).

(necessity). These remedies, so the text claims, can be obtained from the hands of philosophers, whom God had equipped with the capacity of re-acquiring knowledge of these remedies. On this basis at least a partial restoration of man's original and immaculate nature (both morally and epistemologically) becomes possible.

Eloquently though this theological digression testifies to the moral background of mensural theory, it nonetheless poses a number of puzzles. First, it marks a position that seems to be without precedent or concordance in theological writings of the Classical, Patristic and Medieval periods. Accordingly, the opposing quartets of *mala* and *bona* constituted an isolated, albeit popular, tradition which circulated exclusively within the limits of music theory. Second, two of the treatises have spurious ascriptions to renowned theologians. Whereas Aquinas's authorship of the treatise *De musica* in a manuscript from Pavia is at least chronologically imaginable, the ascription of the treatise *De musica quadrata seu mensurata* to Bede must already have aroused suspicion among contemporaries. Devoted to issues of mensural music and largely identical to the late thirteenth-century treatise of Lambertus, it could not have originated prior to that date, a time when Bede had been dead for more than half a millennium. Without any doubt, a strong reason must lie behind the transformation of 'Beda Venerabilis' into 'Beda Mensurabilis'. One can hardly suppress the suspicion that it was a desperate move on the part of the scribe, who could find no better way to cover up the insecure status of *musica mensurabilis* than by attributing the treatise to the undisputable authority of Bede.

While it cannot be established why the author sold his treatise under the protection of Bede's name, the motivations behind the *Compendium de discantu mensurabili* by the Cistercian friar Petrus dictus Palma ociosa are directly palpable. His intention was no less than teaching all the innovative notational practices which were branded as *Ars nova* and strictly condemned in 1320, a mere sixteen years before he wrote his treatise.[48] In a masterpiece of sophistry, Petrus plays vabanque by invoking Cistercian spirituality in favor of the condemned polyphony and mensural notation.[49]

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[48] See Claire Maître, "Un traité cistercien d'Ars nova", in *Aspects de la musique liturgique au Moyen Age. Actes des Colloques de Royaumont de 1986, 1987 et 1988*, ed. Christian Meyer (Paris, 1991), 281–291, at 283f.

[49] A more detailed discussion of Petrus's attempts to justify *ars nova* techniques within the framework of Cistercian spirituality is found in Christian Thomas Leitmeir, "Arguing with Spirituality against Spirituality", 115–159.

In addition to some daring sleights of hand,[50] he is eager to stress the moral virtues of the forbidden art, which he introduces under the poetic terms of "flores musicae mensurabilis" (flowers/blossoms of mensural music):[51]

> *[…] ultimo restat videndum de floribus musicae mensurabilis. Sicut videmus arborem tempore aestatis adornatam et decoratam floribus et animam sanctam hominis virtutibus necnon etiam beatissimam virginem Mariam de incarnatione filii sui unigeniti sine corruptione, sic omnis discantus de floribus musicae mensurabilis adornatur et etiam decoratur.*
>
> […] finally it remains to look at the flowers of mensural music. As we see a tree in summertime adorned and decorated with blossoms and a sacred human soul with virtues and indeed the most blessed virgin Marian through the incarnation of her only son without corruption, so every discantus is adorned and also decorated through flowers of mensural music.

Through a triad of metaphors, Petrus seeks to establish that the kind of polyphony he describes provides a rightful adornment of simple chant melodies: As he claims, it is in line with nature, which sprinkles trees with foliage and blossoms, and a concomitant of moral integrity, which is bound to bears fruit in good works, and is even capable of echoing in artistic terms the mystery of the incarnation of the divine logos through Mary's womb.

The examples presented above could demonstrate that the theory of mensural music reached out towards ethics for support. Moral philosophy and theology, however, were much more than a welcome means to fill the authoritative void and serve as (both moral and epistemological) legitimation of a doubtful discipline. But *musica practica* shares common grounds with ethics beyond such practicalities. Seeking to theorize human actions and the products resulting therefrom, it is likewise concerned

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[50] Petrus, for instance, pits plainchant as non-mensural against mensural polyphony and thus implies that the latter is more compliant with the Cistercian ideals of objectivity, precision and rationality: "Vel sic: Musica mensurabilis est quae per tempora praecise et recte est mensuratrix. Musica immensurabilis est illa, per quam cantatur divinum officium secundum gamma manus et monocordum et secundum tropos abusive tonos nominatos principales et collaterales, de quibus beati Jeronimus, Gregorius et Guido cum pluribus aliis tractaverunt. Et dicitur immensurabilis, quia sine certo numero temporum cantatur; similiter ad voluntatem cantantis pronuntiatur secundum quod sibi melius placuerit et visum fuerit oportunum." Petrus dictus Palma ociosa OCist, *Compendium de discantu mensurabili* (fol. 59v–60r), ed. Johannes Wolf, "Ein Beitrag zur Diskantlehre des 14. Jh.", *Sammelbände der Internationalen Musik-Gesellschaft* 15 (1913/14), 504–534, the quotation at 506 (fol. 59v–60r). A new critical edition is currently prepared by the author of this study.

[51] Petrus dictus Palma ociosa, *Compendium*, ed. Wolf, 516 (fol. 63v).

with a variable subject, which is dependent on context, the individual agent and changes in style. It is notable that music theory only started to reflect the problem of contingency by the end of the thirteenth century, when moral reasoning was on the brink of a paradigm shift as well.[52] In Franco's *Ars cantus mensurabilis musicae* (*c.* 1280)[53] one can diagnose the first symptoms of a distinctive turn away from abstract towards empirical reasoning. This development, in which for once music theory seemed to have anticipated ethics, can be observed by a new value placed on musical examples. Rather than deriving guidelines for good action exclusively from *a priori* principles, authors in both fields increasingly worked from a corpus of exemplary compositions in order to determine empirically what constituted good practice.

As the first theorist to anchor his doctrines in musical examples quoted from contemporary compositions, Franco marked a significant midpoint in a development which is characterized by a gradual shift of balance from theoretically dominated works to treatises that account for musical practice and suggest theoretical ways of describing it. Mensural theory before Franco does not pay tribute to contemporary compositions. John of Garland, his most famous predecessor, illustrates his theory of modal notation through an exemplary application of his rules to an arbitrarily selected chant melody. According to the surviving manuscript copies of John's *De mensurabili musica*, the scribes generally show a predilection for melismatic chant passages that were popular as tenor parts in contemporary *clausulae* and motets.[54] The rhythmization of these melismas, however, is merely didactic. If John's examples show similarities to individual *ars antiqua* compositions, they do so only by coincidence.[55]

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[52] The late-medieval paradigm shift in ethics has been frequently described, for instance, in the following titles: Georg Wieland, *Ethica—Scientia practica. Die Anfänge der philosophischen Ethik im 13. Jahrhundert*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters, Neue Folge 21 (Münster, 1981). Bonnie Kent, *Virtues of the Will. The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C., 1995). Sigrid Müller, *Handeln in einer kontingenten Welt: Zu Begriff und Bedeutung der rechten Vernunft (recta ratio) bei Wilhelm von Ockham*, Tübinger Studien zur Theologie und Philosophie 18 (Tübingen and Basle, 2000).

[53] The scholarly debates on the dating of this treatise is neatly summarized in Andrew Hughes, "Franco of Cologne", *The New Grove Dictionary of Music and Musicians* 9, ed. Stanley Sadie (London, 2001), 197–201, at 198.

[54] Johannes de Garlandia, *De mensurabilis musica*, Cap. 1, 4, 5. The variants of musical examples between the three sources are listed meticulously in Erich Reimer's critical commentary.

[55] This can be seen paradigmatically from exx. 1 and 2 and table 2 of Scott Todd and Jeremy Yudkin, "Ut hic: Announcing a study of musical examples in the thirteenth-century

Franco's decision to include quotations of existing polyphonic pieces in his argument, trailblazing as it was, did not pursue innovation for its own sake. On the contrary, he only relied on musical examples as an *ultima ratio* after all his other rational arguments had failed to back up critical changes to established practice. It is symptomatic that they appear exactly at the point when he suggested a radical departure from traditional modal notation, which assigned rhythmical meaning to patterns of ligatures (i.e. compound symbols signifying a number of pitches moulded into a single musical figure), as they could be found in chant also. In order to allow for greater notational clarity and rhythmical variety, Franco manipulated parts of these figures by adding or omitting stems, diagonal beams (instead of two 'scale-step' movements in square notes) or the flipping-out of a note.[56] Although immensely efficient on a pragmatic level, these changes meant that Franco not only left the safe ground of approved notational practices, but additionally risked accusation of irreverence against the sacrosanct tradition of chant (written in *nota quadrata*). Franco shrewdly took the wind out of his opponents' sails through the implied allegation that, after all, he had not invented these new rules, but merely provided a systematic account of notational customs that had been widely in use already. There was no better way to prove this claim than by adducing quotations from the contemporary repertoire. As Table 3 shows, he optimized the persuasive power of his examples, insofar as he mostly quoted motets from the mainstream of the contemporary repertoire, which were found in many, if not most of the practical sources of the time.[57] The implicit notion of a "canon" thus helped to sanction contentious theoretical norms. Variants on the level of examples reflect their authoritative status. That the fourteenth-century source O (Oxford, Bodleian Library, 842) referred not to the motet *In Bethlehem*, but instead

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music treatises", *Essays on medieval music: In honor of David G. Hughes*, ed. Graeme M. Boone (Cambridge/Mass., 1995), 471–485. As the authors were on the whole unable to find exact concordances to John's examples in practical sources, their data base includes treatments of the same *cantus firmus* in similar versions—of which there are many. Thus their material provides a strong case in point for our interpretation of this phenomenon, not explicitly made by Yudkin and Scott themselves.

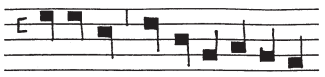
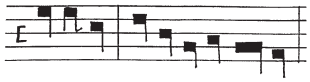
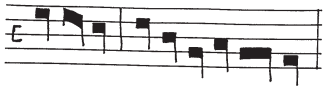
[56] A brief summary of Franconian notation is given in Carl Parrish, *The Notation of Medieval Music* (London, 1958), 108–114, on the basis of Willi Apel, *The Notation of Polyphonic Music, 900–1600* (Cambridge/Mass., 1953).

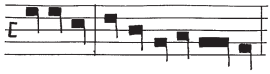
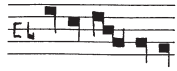
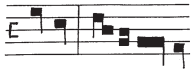
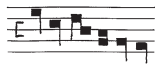
[57] Christian Thomas Leitmeir, "Types and Transmission of Musical Examples in Franco's *Ars cantus mensurabilis musicae*", in *Citation and Authority in Medieval and Renaissance Musical Culture. Learning from the Learned*, eds. Suzannah Clark and Elizabeth Eva Leach (Woodbridge, 2005), 29–44, especially at 40.

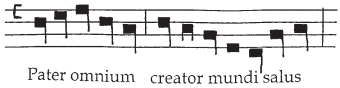
Table 3: Franco's Quotations of Contemporary Motets

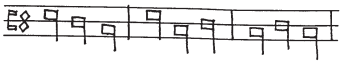
Franco of Cologne, ***Ars cantus mensurabilis musicae***
Capitulum quintum: De ordinatione figurarium adinvicem
Chapter V: Of the Mutual Arrangement of Figures

Si autem longam longa sequatur, tunc prima longa sub uno accentu tribus temporibus mensuratur et perfecta longa nuncupatur, sive sit figura vel pausa, ut hic:
If a long follows a long, then the first long, whether it be a figure or a rest, is measured under one accent by three tempora and called a perfect long:
Ex. 5

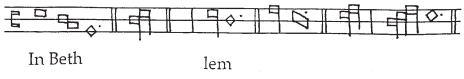
P1

P2

M

Concordances:

Ca, 130r
Cl, 382r

Ma, 125r

W2, 163r

F, 382r

[*Bes*]

O

S



T



to *Pater omnium* shows that the English scribe, who was probably unfamiliar with the former, replaced it with the quotation from a work from the British repertoire. Similarly, the fifteenth-century copyists who produced S (Saint-Dié, Bibliothèque Municipale, 42) and T (Tremezzo, Biblioteca Conte Gian Ludovico Sola-Cabiati) could be blissfully unconcerned about the replication of the correct music, because the corresponding motets had long fallen out of use—not to mention that Franco's doctrines had by then become an established practice.

One generation after Franco, music theory began to establish a closer relation to the musical repertory that went beyond the citation of pre-existing compositions. In the early fourteenth century, for instance, Johannes de Muris pled openly for a more descriptive rather then a purely prescriptive approach.[58] The incentive to adopt the theoretical doctrine to the musical practice of the time and not vice versa can be seen in a prominent passage from the *Libellus*—one of the most widely disseminated compendia of the late Middle Ages—which allegedly reflects Jehan's teachings:[59]

> *Et nota, quod quidam cantores, puta Gulielmus de Mascandio et nonnulli alii, imperficiunt brevem perfectam minoris prolationis ab una sola minima, et brevem imperfectam maioris prolationis a duabus minimis simul sequentibus vel precedentibus, ut hic*: [musical example]
>
> And note that some musicians, such as Guillaume de Machaut and a few others, imperfect the perfect breve in minor prolation by a single minim, and the imperfect breve in major prolatoin by two minims, which follow and precede it, respectively, as is seen here: [musical example]

In accordance with the new empirical trend, the *Libellus* lists an exception to the rules of imperfection as it could be encountered in the works of contemporary musicians. Moreover, this particular departure from the theoretical rule is sanctioned by the authority of Guillaume de Machaut,

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[58] Johannes de Muris, *Notitia artis musicae*, ed. Ulrich Michels, Corpus Scriptorum de Musica, 17 (Rome, 1972), 94, X/Quarta conclusio: "Omne quod a voce recta, integra et regulari cantando profertur, debet sapiens musicus per notulas debitas figurare. Sunt enim figurae geometricae signa vocum, quod si non iam ars regularet naturam et figurae cantum, cum fiat econtra. Nam canere possumus absque figuris".

[59] This passage is taken from Christian Berktold's exemplary edition of the *traditio maior* of the *Libellus*. The alternative version of this compendium, the so-called *traditio minor*, is not yet available in a similarly comprehensive edition. *Ars practica mensurabilis cantus secundum Iohannem de Muris: Die Recensio maior des sogenannten "Libellus practice cantus mensurabilis"*, ed. Christian Berktold, Bayerische Akademie der Wissenschaften, Veröffentlichungen der Musikhistorischen Kommission 14 (Munich, 1999), 25.

who is explicitly referred to in the text. Ironically, although analogous phenomena are documented in Machaut's œuvre, this particular passage could not be identified in any of his works.[60] Nor, it seems, did the composer mean anything to the scribes of the *Libellus*, at whose hands the name Machaut made the wildest transformations (Mascandio, Mascundio, Mascondrio, Mustabio, Mascabio, Mascandio). Thus corrupted, the alleged great master, who has the power to authorize even breaches of established norms, becomes ultimately unidentifiable.[61]

As music theorists became increasingly inclined to derive their norms from an empirical study of commonly accepted works, they were forced to reflect upon the relatively short shelf-life of the "canon". The late fourteenth-century *Tractatus de diversis figuris*, once attributed to the composer Philipoctus de Caserta, interprets the ever-changing practices as a directed historical development:[62]

> *Incipit tractatus figurarum per quas diversimode dicantatur non sequentes ordinem tenoris sed alterius temporis. Quoniam sicut domino placuit scientiam musice in corde desiderantium gratiose perlustravit. Et licet magistri nostri antiqui primum intellectum musicalem habuerunt, et hoc satis grosso modo, sicut adhuc patet in motetis ipsorum magistrorum videlicet: In tribum que non abhorruit, et in aliis et cetera. Tamen ipsi post modum subtiliorem comsiderantes primum relinquerunt, et artem magis subtiliter ordinaverunt, ut patet in Apta caro. Sic nunc successive venientes, habentes et intelligentes que primi magistri relinquerunt, maiores subtilitates per studium sunt confecti ut quod per antecessores imperfectum relictum est, per successores reformetur.*
>
> Here begins the treatise on noteshapes through which, in various ways, lines are discanted that do not follow the order of the tenor but of another tempus. Since it pleased the Lord, he graciously illumined the knowledge of music in the heart of those desiring it. Granted that our venerable masters held a most excellent musical understanding—and this sufficient for the grand manner as hitherto is shown in the motets of these very same masters, namely, *Tribum que non abhorruit* and in others, et cetera—yet, they themselves, after considering a manner to be a more subtle manner, abandoned the earlier manner and created an art more subtly, as is shown in *Apta caro*. So, since those who come later hold and understand the things that the earlier masters leave behind, greater subtleties are accomplished through

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[60] Lawrence Earp, *Guillaume de Machaut. A Guide to Research* (New York et al., 1995), 67f.

[61] See the critical apparatus in *Ars practica mensurabilis cantus secundum Iohannem de Muris*, ed. Christian Berktold, 25.

[62] Both Latin text and English translation have been taken from Philopoctus de Caserta (attr.), *Tractatus figuarum: Treatise on Noteshapes. A new critical text and translation on facing paces with an introduction, annotations and indices verborum and nominum rerum*, ed. Philip E. Schreur (Lincoln and London, 1989), 66–69.

> earnest striving so that what was left imperfect by our predecessors may be reformed by their followers.

While the author pays due respect to his forebearers (represented through Philipp de Vitry, composer of *Tribum que non abhorruit/Quonaim secta latronum/Merito hac patimur*[63] and known as an *Ars nova* theorist), he concedes that time has moved on: the "excellent musical understanding", possessed by the earlier generation, had to give way to a more subtle approach (*artem magis subtiliter*), which is again testified through reference to an exemplary composition, the motet *Apta caro/Flos/Alma redemptorisa mater*.[64] Since the author views the course of history as continuous advancement from strength to strength, the changeability of musical preferences and the constant desire for novelty no longer provide a crisis of normative thought. On the contrary, innovations and changes are automatically justified through the belief in historical progress: if one accepts that every new generation possesses superior insight and skill to their predecessors, they even feel morally obliged to correct the weaknesses of the inherited approaches and move forward towards greater perfection within their art.

Through the empirical turn, which had been seminally introduced to *musica mensurabilis* by Franco in the late thirteenth century, music theorists gained a strong bond between musical practice and theory. But the disadvantages were considerable too. Once the need for reflecting practice had been recognized, writers had to re-negotiate rules constantly in light of changing styles and trends. As a result, their norms were of an equally transitory and preliminary status. In ultimate consequence, *musica practica* that took this route was in danger of sinking to the level of a mechanical art and of leaving the circle of rigorous intellectual disciplines. Indeed, from the later fourteenth century onwards, music treatises by and large buried such ambitions and confined themselves once more to practical manuals. The *Tractatus cantus mensurabilis* by Egidio de Murino, for instance, limits itself to straightforward instructions in recipe-book style without even attempting to incorporate the norms into a theoretical framework:[65]

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[63] *The Works of Philippe de Vitry*, ed. Leo Schrade, Polyphonic Music of the Fourteenth Century 1 (Monaco, 1956), 54–56.

[64] *Motets of French Provenance*, ed. Frank Ll. Harrison, Polyphonic Music of the Fourteenth Century 5 (Monaco, 1968), 17–23.

[65] See Aegidius de Murino, "Tractatus cantus mensurabilis", CS 3, 124–128, the quotation at 124.

> *De modo componendi tenores motettorum. Primo accipe tenorem alicujus anitphone vel responsorii vel alterius cantus de antiphonario; et debent verba concordare de materia de qua fecere motetum; et tunc recipe tenorem, et ordinabis et colorabis secundum quod inferius patebit de modo perfecto vel imperfecto.*
>
> On the manner of composing tenors of motets. First take a tenor from some antiphon or responsory or from another chant of the antiphoner. The words have to agree with the material, from which the motetus[66] is made. And then take the tenor, dispose and color it[67] according to what will become evident below on the perfect and imperfect mode.

Ironically, even when treatises had opted out of the epistemological and ethical debate, morality still remained an issue. As in didactic dialogues of the Carolingian *Musica enchiriadis* tradition, the validity of guidelines once more rested with the *auctoritas* of the teacher, who had to demonstrate his credentials as arbiter of good conduct within the art. The departure from the concert of intellectual disciplines forced music instructors to look for support elsewhere, such as the communal, societal or institutional values. In this light, it cannot be a coincidence that practice-oriented music handbooks (such as manuals for producing dyadic counterpoint (discant treatises), adding a contratenor to a voice pair or even manufacturing bells) tend to use the same opening formula that dominates a book of craft regulations, first compiled and implemented in 1268 in Paris by the municipal *prévot* Étienne Boileau.[68] Nearly a third of the entries which define quality standards for goods produced by individual crafts (Table 4) start with the phrase "Quiconque veut", an expression which pervades musical discourse as well (Table 5), be it in Latin ("Quilibet affectans", "Quicumque vult" etc.) or in the vernacular ("Qui veut"). As Elizabeth Sears has shown,[69] the Boileau's quality assurance drive was vested with a strong moral impetus. The production of *fausses oeuvres*

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[66] The motetus is the second voice of a motet, which is written against a pre-existing chant fragment (the tenor) and carries its own text. The 'concordantia' between tenor and other voices in fourteenth-century motets is discussed in Alice V. Clark, *Concordare cum Materia: The Tenor in the Fourteenth-century Motet* (Ph.D., Princeton, 1996), available online at: http://www.diamm.ac.uk/resources/clarkdiss.html.

[67] This refers to the structural disposition of the tenor according to melodic and rhythmic patterns.

[68] Étienne Boileau, *Réglemens sur les arts et métiers de Paris, rédigées au XIII^e^ siècle, et connus sous le nom du livre des métiers d'Étienne Boileau . . .*, ed. George Bernard Depping, (Paris, 1839).

[69] The discussion of the *Livre des métiers* is heavily indebted to Elizabeth Sears, "Craft Ethics and the Critical Eye in Medieval Paris", *Gesta* 45/2 (2006), 221–238.

Table 4: Medieval Guild Regulations: Formulaic Incipits in the 'Livre des Métiers' (Paris, c. 1268)

- Pattern i (61%)
  Quiconques veut estre . . . , c'est à savoir . . ., estre le puet . . .
- **Pattern ii (29%)**
  - **Pattern iia—ex negativo (19%)**
    Nus ne puet estre . . . à Paris, se il n'a le congiet du prevost . . .
    Quiconques est . . . à Paris, il convient/il doit . . .
  - **Pattern iib—ex positivo (10%)**
    Il puet estre . . . à Paris qui veut, pout tant qu'il . . .
- **Pattern iv (3%)**
  Il est ordené/accordé des . . .
- Other incipits (7%)

(false works), by which incompetent or fraudulent craftsmen deceived their customers, was considered an offence against the law as well as ethics. In order to guarantee high standards, representatives were chosen from each craft to set standards which all 'good works' had to comply to and which were regularly controlled. While these jurors were without an academic background, they carried authoritative weight because of their practical expertise and indubitable moral integrity ("the wisest, best and most venerable men of Paris and those who had most reason to know these things").[70] One regrets that no regulations were decreed for the musicians of Paris. However, it seems more than likely that the many music manuals that were produced from the fourteenth century onwards consciously recalled the model of the *Livre des métiers* to bestow moral authority upon their norms. In employing a stereotypical incipit from the *Livre*, music theorists suggested that they, too, had the moral and technical backing to establish rules for good practice within their craft, not to mention the religious overtones carried by the phrase "Quicumque vult", the opening words of the Athanasian Creed.[71]

The question of moral grounding remained a pressing concern for *musica practica* (and *musica mensurabilis* in particular) right across the

[70] *Establissement de Saint Louis*, ed. Paul Viollet, 4 vols. (Paris, 1883–1886), ii, 473. English translation: *The Etablissements de Saint Louis: thirteenth-century law texts from Tours, Orléans, and Paris*, translated by F.R.P. Akehurst (Philadelphia, 1996), 3.

[71] The incipit "Quiconque veut" was familiar also from legal texts, such as a twelfth-century summa by Johannes Bassianus. Ludwig Wahrmund (ed.), *Die Summa Quicumque vult des Johannes Bassianus*, Quellen zur Geschichte des römisch-kanonischen Prozesses im Mittelalter 4/2 (Heidelberg, 1925).

Table 5: 'Quiconques veut'—Resonances in Medieval Music Theory

Discant Treatises

- Qui veult savoir lart de deschant il doit savoir
  Paris, Bibliothèque nationale, lat. 14741, fol. 8v–9v (2nd half of 14th century)
- Quicumque voluerit duos contrapunctus sive discantus
  Regensburg, Proske-Bibliothek, 98 th. 4°, p. 407 (2nd half of the 15th century)
  Gent, Universiteitsbiblioteek, 70 (71), ff. 41vb–42ra (1503–4)
- Quicumque vult in contrapunctu perfici et de ipso (Bergamo, Biblioteca Civica, Sigma IV.37, ff. 1 35v–36r, 1487)
- Quilibet affectans scire contrapunctum ea diligenter scribat
  known as 'Ars contrapunctus secundum Johannem de Muris' (marked with *)
  * Brussels, Bibliothèque Royale de Belgique, II 41444, f. 95r (14th century)
  Brussels, Bibliothèque Royale de Belgique, II 4149, f. 46r (late 15th century)
  * Faenza, Biblioteca Comunale, 117 (Bonadies), f. 16r, 1473–4; CS III, 59a–60a (14th century)
  Florence, Biblioteca Mediceo-Laurentiana, Ahsburnam 1119, ff. 52v–53r (15th century)
  Naples, Biblioteca Nazionale, VIII.D.12, f. 48r–v (14th/15th century)
  * Pisa, Biblioteca Universitaria, 606, p. 34 (c. 1429)
  * Rome, Biblioteca Cosiniana e dell'Accademia dei Lincei, 36 D 31, f. 7r–v (15th century)
  Rome, Biblioteca Vallicelliana, B 83, f. 12r (mid-15th century)
  * Rome, Biblioteca Apostolica Vaticana, Vat. lat. 5321, f. 25v (15th century)
  * Rome, Biblioteca Apostolica Vaticana, Palat. lat. 1377, ff. 93–94v (14th/15th century)
  * Washington, Library of Congress, ML 171 J 6, f. 112r–v (1465–77)
- Si quis velit scire artem Philippi de Vitriaco scilicet…
  Pavia, Biblioteca Universitaria, Aldini 450, ff. 4v–5r (15th century)

Artes Contratenoris

- Qui vult ad duas contratenorem componere
  Regensburg, Proske-Bibliothek, 98 th. 4°, p. 410 (2nd half of 15th century)
- Qui vult scire contrrapunctum addiscat prius rationem manus
  Milan, Biblioteca Ambrosiana, I.20 Inf., ff. 28v–28r
- Si enim quis ult facere contratenorem super quemlibet…
  London, British Library, Add. 34200, f. 35r–v (15th century)
  Regensburg, Proske-Bibliothek, 98 th. 4°, pp. 333–5 (2nd half of 15th century)

Mechanical Arts

- Quicumque vult facere cymbala ad cantandum recte sonantia
  edited by J. Smits van Waesberghe, *Cymbala* (*Bells in the Middle Ages*) (Rome, 1951), 37–61.

shift from more abstract, theoretical reasoning to empirical and individual solutions, which can be traced to the turn of the thirteenth and fourteenth centuries. As the examples presented in this contribution have demonstrated, this problem was ultimately one of authority: in order to prove that learners of the *ars musica* were instructed to good action, theorists had to imbue their statements with *auctoritas*, whether they borrowed their principles from approved intellectual disciplines, derived their criteria from 'canonic' works or vouched personally for the validity of their doctrines. The gaping void of *auctoritas* within the field of music turns Isidore's statement "sine musica nulla disciplina potest esse perfecta" on its head. Rather than perfecting knowledge and learning, *musica* (*practica*) was itself in dire need of normative support. Hence, if Isidore's assessment should in any way correspond to the real difficulty medieval music theory had to face, it should read thus: "Sine auctoritate musica non est perfecta".

"ŸEGLICHS NÃCH SÍN VERMUGEN": JOHANNES NIDER'S IDEA OF CONSCIENCE

Thomas Brogl

1. *Nider, Gerson, Luther, and Questions of Conscience*

"Frome troestliche lerer"[1]—"pious, consoling teachers" is how Luther described Johannes Nider (ca. 1380–1438) and Jean Charlier de Gerson (1363–1429) in 1533. Gerson, conferred with the title of *doctor consolatorius* as early as the fifteenth century,[2] is for Luther a prime example of a *vir conscientia*—in distinction from the scholastic *viri speculativi*—the model for a theologian who reads, prays and consoles.[3] According to Luther, the chancellor of Paris University was the first who adequately refuted *pusillanimitas*.[4] In this vein, Johannes Nider can also be regarded a *vir conscientiae* in Luther's sense. If we consider the circulation of Nider's most important work on the question of conscience, the *Consolatorium timoratae conscientiae*,[5] its reception by famous authors (amongst others

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[1] Martin Luther: *Kleine Antwort*, 1533 in *D. Martin Luthers Werke. Kritische Gesamtausgabe, Abteilung Schriften* (Weimar, 1883–, reprint Graz, 1964–) 38: 160,12f. Although the sole remark about Nider by Luther which has reached us—for Gerson there are at least 87!—, it is nevertheless notable because there are "not many medieval theologians about whom Luther had anything positive to say" (Friedemann Pannen, "Luther über Johannes Gerson. Eine Untersuchung der Aussagen Luthers über den 'Doktor des Trostes' ", in: *Luther* 71 (2000), 117).

[2] Helmut Appel, *Anfechtung und Trost im Spätmittelalter und bei Luther* (Schriften des Vereins für Reformationsgeschichte Jahrg. 56, Heft 1 Nr. 165) (Leipzig, 1938), 5.

[3] Martin Luther, *D. Martin Luthers Werke. Kritische Gesamtausgabe, Abteilung Tischreden* (Weimar, 1912–1921, Neudruck Graz, 1967) 2: 516, 9–13; see 517, 25–30, Nr. 2544a/b (März 1532).

[4] Ibid. 114, 1–3, Nr. 1492 (between 1.1. and 23.3.1532); 64f., 22–26.1–6, Nr. 1351. For further references see Sven Grosse, *Heilsungewißheit und Scrupulositas im späten Mittelalter. Studien zu Johannes Gerson und Gattungen der Frömmigkeitstheologie seiner Zeit* (Beiträge zur Historischen Theologie, ed. Johannes Wallmann, Band 85) (Tübingen, 1994), 1f.; Pannen, "Luther über Johannes Gerson" and Appel, *Anfechtung und Trost*, 109f. Along with Johannes von Dambach and Gerson, Tentler counts Nider to the "late medieval masters of that theology of consolation": Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, 1977), 159.

[5] Appel notes that Nider's *Consolatorium* was published more often as Inkubalausgabe (Hain 11806–12) than the corresponding works of Gerson and Johannes von Dambach (*Anfechtung und Trost*, 45). In the following we shall quote from the edition: Johannes Nider, *Consolatorium timoratae conscientiae*, ed. Anton Sorg (Hain 11807) (Augsburg,

Anthony of Florence [1389–1459]),[6] and smaller collections with quotations from his German sermons on this theme,[7] then we can see that Luther here is far from alone in this judgment. Indeed it would seem that, especially in the fifteenth and sixteenth centuries, Johannes Nider was an authority in the area of questions concerning conscience, in particular that of the errant and scrupulous conscience.

2. *The Genre of Consolation*

The essential thrust of Nider's aim is already clearly discernible from the external form of the *Consolatorium*. His book is merely a book of consolation in terms of its content, leaving behind the actual formal framework.[8] Although utilizing the genre of consolation,[9] Nider converts the original form of a dialogue into a tract. Scholarly research has generally branded this shift as a sign of the decadence befalling the consolation genre,[10] but

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around 1484). Also drawn on is the work edition: Johannes Nider, *Consolatorium timoratae conscientiae*, ed. Stephanus Paulinus (Rom, 1604).

[6] "Antonin had probably paraphrased Nider's *Consolatorium*. Except for the theoretical sections (cap. IX, cap. X, § 1f) in which he follows Thomas Aquinas, almost everything that he says on the subject of the conscience is essentially in accord with what Nider says". Grosse then furnishes evidence for this claim (*Heilsungewißheit und Scrupulositas* 161f.).

[7] Johannes Nider, *Betrachtungen und Predigten zu 24 Kirchenfesten*, Augsburg, Universitätsbibliothek, Cod. III.1.4 30, ff. 1r–390r: sermon excerpts ff. 115v–119v.

[8] "Not much remains of the usual consolatory book, there is no switch of metre and prose, no dialogue, the sufferer is not called to open their heart . . . The tractat is a Consolatorium in an inauthentic sense" See Albert Auer, *Johannes von Dambach und die Trostbücher vom 11. bis zum 16. Jahrhundert* (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 27, 1–2) (Münster, 1928), 299.

[9] "The literature genre of the Consolatorium in its authentic sense designates works which present, in terms of their content, reasons for finding solace in suffering . . . whose form is that of the dialogue, which must be prepared for at least in a proem, even though it may recede in the course of the discussions: but always a comforter must speak, and the person in need of solace, while the person requiring comfort must be conceivable as present at all times" (Auer, *Johannes von Dambach*, 26of.).

[10] "Overall, despite all the affiliation Nider vis-à-vis Gerson [often quoted in the *Consolatorium*] means a sharp decline into case-by-case scenarios, the technical-psychological, in the blandness of distinctions and definitions, serving more to sharpen the theological intellectual than as providing solace for timid consciences" (Appel, *Anfechtung und Trost*, 49). This harsh judgment does not do justice to Nider. Proceeding from Luther's ideal, Appel fails to recognize that the roots of the Dominican lie in scholastic theology and ignores the goal Nider pursues with this work, which differs considerably from the character of other works by this author.

The Consolatorium genre finally dies out at the end of the Middle Ages; the problem of the scrupulous conscience will be dealt within moral theology already in the work of the transcriber of Nider's *Consolatorium*, Anthony of Florence (Grosse, *Heilsungewißheit und*

this reconfiguring is rather to be evaluated as a conscious step Nider undertakes. Why he embarks on this is revealed namely when we look at the contents. Unlike other consolatory works, which deal with a diverse array of experiences of suffering[11]—exemplary in this regard is *De consolatione theologiae* by Johannes von Dambach (1288–1372), a work Nider discusses at length in his *Consolatorium*[12]—Johannes Nider focuses on questions concerning the errant and scrupulous conscience. This is *the* key experience of suffering he seeks to counter.[13] As he writes in the prologue, this experience is the domain of the "Seelenarzt", meaning the father confessor and guider of the soul.[14] The book of consolation is written exclusively for the "expert"[15] to provide him with practical and concrete help to diagnose maladies plaguing the soul, to distinguish between the various possible causes, and the possibilities of healing.[16] It is precisely these complex questions that the expert has to address.[17] Nider repeatedly refers the faithful to the experts and the authorities in this field, the wise men and scholars. To a certain extent the responsibility for these very complex and difficult questions is delegated to the next highest authority.[18]

This problematic of the pusillanimous conscience becomes virulent primarily in three situations, the worthy receiving of the Eucharist,[19] the sacrament of confession, which demands full remorse and a complete

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Scrupulositas, 56). Perhaps the decline of this genre is also an indication of how views of matters of conscience were changing in this period.

[11] A selection of these questions—suffering "caused by dysfunctioning virility. . . [though to] defeat in a papal conclave"—is provided by Grosse, *Heilsungewißheit und Scrupulositas*, 164f. For an overview of the themes dealt with in the Consolatoriums, see also Auer, *Johannes von Dambach*.

[12] See ibid. and Grosse, *Heilsungewißheit und Scrupulositas*, 160.162.164.

[13] This problem will gain decisive importance for Martin Luther and the Reformation one hundred years later.

[14] Johannes Nider, *Consolatorium*, Prolog. See Grosse, *Heilsungewißheit und Scrupulositas*, 166. This is also evident in how the book presupposes that the important theological explanation of terms and the theological discussions are known.

[15] This is where the aforementioned judgment of Appel is relevant (s. note 26).

[16] See the contents in Johannes Nider, *Consolatorium*, III, 1.

[17] Nider repeatedly points out in the *Consolatorium* and other writings (most notably in the *Deutsche Predigten*) that one should not trust oneself too much, and particularly when confronted with difficult questions one should seek out advice. We shall return to this point later.

[18] Grosse has included "the representative decision of conscience made by authority" as an act comforting the scrupulous conscience (*Heilsungewißheit und Scrupulositas*, 86f.), but does not recognize it as pivotal for Nider's transformation of the Consolatorium genre, which, like Appel, he criticizes.

[19] See Johannes Nider, *Praeceptorium sive orthodoxa et accurata decalogi explicatio*, ed. Richard Gibbon (Duaci, 1611), III, 12.6–7, 290–292.

confession of sin,[20] and the moment of death, as it were the culmination of the problematic.[21] Late medieval texts in general, and thus Nider's writings, devote special attention to these distressful situations. The conscience is the decisive locus for these questions. If in High Scholasticism the conscience "did not experience the same intensive interest and concomitant instruction in comparison to other theological problems of the time",[22] in the Late Medieval period it now becomes the center of attention. It is the locus where the question of the assurance of salvation is concentrated. The genre of the consolatoria is thus not only paradigmatic for the period,[23] but also typically revealing of how in Nider's work its diverse spectrum of experiences of suffering becomes focused on an errant and scrupulous conscience.[24] Nider even devotes a work to these

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[20] See Johannes Nider, *Praeceptorium*, III, 8–9, 251–273. The lack of a *scientiae necessariorum, quae vocatur ignorantiae* is the cause of many sins and even peccatum mortale (Ibid. IX, 1.1, 604). Nider deals with ignorantia in detail in ibid. IX, 1–3, 612–632. The problem of forgetting and the ignorance of grave sins is above all prevalent in confession (see ibid. III, 8, 251–263).

[21] For this moment Nider wrote an independent work, *Dispositorium moriendi*. In addition to the mentioned points, Nider states that a scruple can emerge before an act is committed: "de diversis agilibus et credibilibus puta de licite eukaristie sumendo; de debitum in matrimoni reddendo quando dubitatur de impedimento legitimo; de contractibus rerum temporalium practicando; de clericis concubinarijs uitando et sic de alijs infinitis" (Johannes Nider, *Consolatorium*, III, 1). A few other areas are also named such as observing monastic rules (e.g. silence) or sexual intercourse with a woman to whom one is not lawfully wedded (Ibid., III, 26). The importance attached to these themes is shown by how Nider not only dealt with them in detail in the Praeceptorium but also devoted special works to them: *De contractibus mercatorum*, *Tractatus de lepra morali* and various other writings on life in an order.

[22] Rudolf Hoffmann, *Die Gewissenslehre des Walter von Brügge O.F.M. und die Entwicklung der Gewissenslehre in der Hochscholastik*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 36, 5–6, (Münster, 1941), 33. See also Johann Stelzenberger, *Syneidesis, Conscientia, Gewissen. Studie zum Bedeutungswandel eines moraltheologischen Begriffs* (Abhandlungen zur Moraltheologie 5) (Paderborn, 1963), 146–150.153–155. During the period of High Scholasticism there was only "seldom … exaggerated mistrust towards the reliability of the conscience" (Hoffmann, *Die Gewissenslehre des Walter von Brügge*, 128).

[23] Auer remarks that the genre of the consolatoria "became the typical overall expression of the Late Medieval spirit, reflecting the ecclesiastical, social and intellectual process of fermentation in the most diverse and original-lively way" (*Johannes von Dambach*, 355).

[24] So also Thomas Deman, "Probabilisme", in *Dictionnaire de théologie catholique*, eds. A. Vacant and E. Mangenot (Paris, 1903–50) 3/1: 445. Nider's work reveals that at the end of High Scholasticism nothing essentially new was undertaken in dealing with the issue of the errant conscience (although other aspects were emphasized), which is already obvious in the similarity of the line of thought taken in the second book of the Consolatorium with that of Walter of Bruges' tractate on conscience (See Hoffmann, *Die Gewissenslehre des Walter von Brügge*, 123). In the Late Middle Ages interest shifts to the new issue of the scrupulous conscience (Ibid. 124). Precisely with regard to this point Nider is forced

questions, the *Consolatorium timoratae conscientiae*, which we will examine in more detail in the following.[25]

3. *Contents of the Consolatorium*

3.1. *The Formation of Conscience in Nider's Work in General*

The formation of conscience is a key concern of Johannes Nider. As he himself says in the prologue, Nider wrote his most extensive work, the *Praeceptorium divinae legis*, on the request of his confreres for the *debitis exercitijs* of preachers and confessors. The Dominican characterizes the Decalogue underlying the work as "normam cuntorum fidelium regulam, iter & directorium",[26] guidance to eternal life. For this reason the entire *Praeceptorium* revolves around the question of when an act is to be deemed as having transgressed the boundary of a mortal sin, i.e. to determine where the path to eternal life has been left and when a sin may still be regarded as venial.[27] The danger lurking for the scrupulous resides in too hastily construing an act to be a cardinal sin. The norm not only sets the upper scale of a "shall", it also sets the lower limit, the "must". This minimum demand is characterized by three formulations which recur throughout the entire work, the *sufficit*, the *debitum*, and the *necessaria*. There are things that are necessary to know or to do so as to gain salvation, where ignorance cannot be forgiven, and there are others which do not come under this rubric.[28] The demand postulated by the norm often evinces an experience of the limitations of human aptitude and capability (obvious in the demand for a confession of guilt that is to cover all sins

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to turn to more recent authorities and this is clearly evident in the *Praeceptorium*. In the *Consolatorium* this role essentially falls to Gerson.

[25] What Nider says in the *Consolatorium* is not added to substantially in other writings (in particular the *Praeceptorium* and the *Predigten*).

[26] Johannes Nider, *Praeceptorium*, Prolog, 1.

[27] In many of Nider's works this marker was given an exemplary formulation in a stage model that describes the path from mere concupiscence, which is not a sin, through to persisting in a mortal sin, which leads to hell. Striking is the statement warning caution: "Ergo principijs obsta, sero medicina paratur. Qui vult praefata prędicare vulgo, cautus sit in multis, ne conscientias laedat inordinatè timoratas. Bene ergo declaret, aut litteratioribus talia committat" (Johannes Nider, *Praeceptorium*, IX, 4.14, 642).

[28] As it is not possible to cite all relevant references from his work, here a few examples from the *Praeceptorium* are given as to what needs to be known in relation to faith: I, 2.2–9, 8–15. See also the numerous lists of situations in the Consolatorium when a person is exculpated because her ignorance is *invincibilis* (see also how this is dealt with at the end of the overall work. Johannes Nider, *Consolatorium*, III, 31).

and leave nothing forgotten). Such a situation generates fear and scruple. This throws light onto why scruple is also prominently featured in Nider's interpretation of the commandments.[29] This experience of being incapable also needs a norm. Investigating and setting the norms of "must", "can" and "shall" answer a basic need of the period. In this connection Berndt Hamm has spoken of a "normative centering", an "alignment of religion and society towards a center that furnishes orientation and exerts a regulative power"[30] at a time when there was "an intensive need for security and certainty".[31] But as we will see, precisely where the possibilities of positing norms encounter limits is where new departures are undertaken in theology.

3.2. *Syndaeresis, Conscientia and Spes—from High Scholasticism to the Late Medieval Period, or: The Path to the Assuredness of Hope*

One of the departures resulting from the need for a normative standard and its related need for security is to be sketched in the following. It will also show paradigmatically the transformation the concept of conscience undergoes from Scholasticism to the Late Medieval period.

As Martin Grabmann has noted, Johannes Nider moves along the path laid out by his fellow Dominican Thomas Aquinas.[32] At the same time, it is precisely Nider's *Consolatorium* that clearly demonstrates the shifting

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[29] Johannes Nider, *Praeceptorium*, X, 1.5, 37–40 is like a summary of the third book of the *Consolatoriums* in mnemonic rules.

[30] Berndt Hamm, "Normative Zentrierung im 15. und 16. Jahrhundert", in *Normative Zentierung*, eds. Rudolf Suntrup and Jan R. Veenstra (Medieval to Early Modern Culture. Kultureller Wandel vom Mittelalter zur Frühen Neuzeit, eds. Martin Gosman and Volker Honemann, Band 2) (Frankfurt a.M., 2002) 2: 22.

[31] Ibid. 24.

[32] Martin Grabmann, "Das Weiterleben des moraltheologischen Schrifttums des hl. Thomas von Aquin im Mittelalter", in *Aus Theologie und Philosophie. Festschrift Fritz Tillmann*, eds. Theodor Steinbüchel and Theodor Müncker (Düsseldorf, 1950), 77. For Thomas as the greatest and preferred authority, see for example Werner Tschacher, *Der Formicarius des Johannes Nider von 1437/38. Studien zu den Anfängen der europäischen Hexenverfolgungen im Spätmittelalter* (Berichte aus der Geisteswissenschaft. Zugl.: Aachen, Techn. Hochschule, Diss., 2000) (Aachen, 2000), 165; Eugen Hillenbrand, "Nider, Johannes OP", in *Die deutsche Literatur des Mittelalters: Verfasserlexikon* (Berlin, 1978–2006) 6: 971; Margit Brand, *Studien zu Johannes Niders deutschen Schriften* (Institutum Historicum Fratrum Praedicatorum Romae. Dissertationes Historicae Fasc. XXIII) (Rom, 1998), 222. This is also clearly shown by a brief look at the cited authorities. Nider draws on Johannes Gerson first in the third book of the *Consolatorium* because the thematic of the scrupulous conscience was not yet so virulent in Thomas, highlighted by how the term *scrupulosa conscientia* is to be found neither in Thomas nor in Bonaventura (Stelzenberger, *Syneidesis, Conscientia, Gewissen*, 154).

views on conscience from High Scholasticism to the Late Medieval period. Although at the beginning of the second book of his *Trostbuch des ängstlichen Gewissens*—both in terms of content and structure[33]—he features Thomas' understanding of *syndaeresis, ratio superior* and *ratio inferior, conscientia*,[34] and syllogism,[35] as the text proceeds Nider increasingly loses sight of *syndaeresis* and concentrates solely on *conscientia*,[36] specifically on *conscientia erronea* and *conscientia scrupulosa*. Here Nider is in tune with the line taken by Late Scholasticism, in which reflections on *syndaeresis* become less prevalent[37] and an ontological-speculative consideration gives way to one guided by practical questions concerned with pastoral care.[38] Naturally enough, practical questions of this kind gravitate more towards the *conscientia* teaching.

The reason for this receding importance of *syndaeresis* is revealed clearly enough by Nider's definition of *conscientia*. If Nider still follows in the footsteps of Thomas in his concept of *syndaeresis*, the concept of *conscientia* he puts forward—"assensus vel credulitas intentionis ad aliquid faciendum, vel non faciendum"[39]—represents a clear deviation. Thomas accentuates that conscience is an act that applies and completes one's knowledge (*con-scientia*) of *syndaeresis*, and Nider also presents it as an

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[33] Here it is not possible to trace this in any detail. For Thomas teaching on the conscience, see for example Thomas Schwartz, *Zwischen Unmittelbarkeit und Vermittlung. Das Gewissen in der Anthropologie und Ethik des Thomas von Aquin* (Dogma und Geschichte. Historische und begriffsgeschichtliche Studien zur Theologie, ed. Peter Walter, Band 3) (Münster, 2001). I would like to thank my fellow brother P. Dr. Rupert Johannes Mayer OP for valuable references on Thomas' concept of conscience.

[34] Expressly calling on Thomas Aquinas, *In 2 Sent* 39. For a succinct and concise depiction, see Hoffmann, *Die Gewissenslehre des Walter von Brügge*, 46–49.

[35] Johannes Nider, *Consolatorium*, II, 1.

[36] This is typical for Nider's work, which is not primarily concerned with principles but is oriented toward providing instruction for action.

[37] As far as I can see, Nider never deals with syndaeresis again.

[38] Stelzenberger, *Syneidesis, Conscientia, Gewissen*, 140f.; Hoffmann, *Die Gewissenslehre des Walter von Brügge*, 62–67. Hoffmann states that "the primary interest of teaching on the conscience gradually revolves around the concept of conscientia", whereas "at the beginning of the scholastic development synteresis took centre stage and was discussed systematically" (30f.). It would be interesting to pursue here the lines that emerge out of the cleaving apart of syndaeresis and conscientia and in continuity with Thomistic thinking manifests as a distinction between "conscientia universalis" and "conscientia particularis" in Johannes Capreolus, the "princeps thomistarum". The former concerns general norms and "thus corresponds with legal knowledge, the superior laws of which are imparted by syndaeresis as the organ of insight into moral principles". The latter entails the judgment of specific cases, similar to: Cajetan's speculative and practical judgment of conscience. See Rudolf Schüßler, *Moral im Zweifel* (Perspektiven der Analytischen Philosophie. Neue Folge, eds. Georg Meggle and Julian Nida-Rümelin) (Paderborn, 2003) 1: 98f.

[39] Johannes Nider, *Consolatorium*, II, 1.

act within the syllogistic framework, but one that is ultimately granted only a *credulitas*.[40] Moreover, with *assensus . . . intentionis* an act of will is described which opens the way for probabilism. As mentioned above, for Nider and the whole fifteenth century, the assurance of hope is the decisive issue. Following Nider's notion, *conscientia* can no longer furnish a steadfast certainty providing assuredness. It no longer reaches the level of secured knowledge and expressly remains beneath the *scientia* corresponding to things, "quae cognoscuntur per causam et ex principiis, quae impossibile est alter se habere".[41] At the same time though, it stands above *opinio, dubitatio, scrupulus* and *suspicio*, and in III.I Nider defines it, following Albertus Magnus, as: "Fides seu credulitas est perfecta persuasio vnius partis per multa probabilia, vel per authoritatem dicentis". The probabilism Nider discusses a little later already resonates here. At the end of the elucidation of the degree of certainty, conscience is defined again, namely as "firma credulitas de aliquo, quod sit verum et est aliquod verorum aliquando falsorum, et ex stante ligat, ad non faciendum contra causam".[42] Even a *firma credulitas* harbors a moment of uncertainty and can be a starting point for doubt (*dubium*) and opinion (*opinio*), thus ultimately for scrupulous conscience as well. In Thomas Aquinas' concept, *conscientia* and *synderesis* are firmly linked together and a chink in their connection is barely discernible (or even considered). *Conscientia* was knowledge of the principles in each and every act (although for Thomas, no necessary knowledge is possible in each and every particular situation given the discontinuity of contingent human actions, the principles and the conclusions we draw from them being necessary and immutable).[43] In Nider's formulation, *conscientia* remains coupled with *synderesis*, but because a gap exists and in its drawing of a syllogistic conclusion from the principles *conscientia* no longer attains knowledge but merely arrives at a *firma credulitas*, the task emerges to overcome the gap so as to once more

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[40] In the High Middle Ages there was overall only "seldom . . . an exaggerated mistrust towards the reliability of conscience" (Hoffmann, *Die Gewissenslehre des Walter von Brügge*, 128). For the connection between syndaeresis and conscientia and the susceptibility towards error in the syllogism, see Schüßler, *Moral im Zweifel*, 1:38–44, who gives a good summary of the problematic.

[41] Johannes Nider, *Consolatorium*, III, 1.

[42] Johannes Nider, *Consolatorium*, III, 1. The Rome edition from 1604 speaks of a *summa credulitas* (Johannes Nider, *Consolatorium 1604* III, 1, 64f.), attempts to close the gap and thus pushes the *credulitas* closer to the *scientia*, whereas for the *firma credulitas* the aspect reinforced is that one is ultimately cast back on hope.

[43] See for example Thomas Aquinas, *STh.* I–II, 57.5, ad 3; II–II, 4.8; Schüßler, *Moral im Zweifel*, 1:39–42.

stand on firm ground. The scrupulous conscience, the consequence of this gap, is dealt with in book three. In doing so, the Dominican can no longer draw on the authority of Thomas—as previously mentioned, the notion of a scrupulous conscience was alien to the Middle Ages—and so primarily turns to (and compiles the thoughts of) Johannes Gerson.[44]

In the further course of the *Consolatorium*, which cannot be outlined in any great detail here, this gap widens into a gate ushering in probabilism, which finally, once specific objective criteria are obtained, is allowed an *opinio alicuius [doctoris] tuta electio*.[45] The *credulitas* bears an element of will, hope and trust and furnishes the possibility for subjective choice, for which a space is opened here.[46] On account of the host of factors and circumstances that need to be considered when striving to arrive at a correct judgment of a concrete act, the following holds:

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[44] Tentler, *Sin and Confession*, 146f. First in the sixteenth century are traces of doubt and scruple to be found expressed by Nider's confrere in commentaries on Thomas' conception of the errant conscience, whereas he attached "no great importance to dealing with uncertainty" (Schüßler, *Moral im Zweifel*, 1:46; see also 96); Joseph Ternus, *Zur Vorgeschichte der Moralsysteme von Vitoria bis Medina. Neue Beiträge aus gedruckten und ungedruckten Quellen* (Forschungen zur Christlichen Literatur- und Dogmengeschichte, eds. Albert Ehrhard and Johann Peter Kirsch, 16. Band, 3. Heft) (Paderborn, 1930), 15. Nider's work is a stage before this, even if he clearly endeavors to refer to Thomas wherever possible in the third book of Consolatorium that draws on Gerson—a discussion of an example of this is to follow.

[45] Johannes Nider, *Consolatorium*, III, 10. Nider expressly sets himself apart from probabilism and a form of tutiorism fostering scruple and perplexity. He refers to Thomas Aquinas, Albert and other authorities. The first-named and most important authority for Nider is Aquinas. Thomas contradicts at several places and regards important questions *in materia morali ad salutem necessaria* the positions of notable scholars such as Bonaventura and Hugo of Saint Victor. From Thomas' opinion Nider concludes that "non oportet semper tuitiorem opinionem eligere de necessitate salutis sed sufficit tutam eligere. Nam tutior est gradus conperatiuus presupponens positiuum scilicet aliam tutam esse opinionem". Nider argues that Thomas himself had so proceeded when dealing with the contradictory opinion of other doctors. If someone applies *diligentiam inquirendo de veritate*, but the arguments have not sufficiently convinced, then Thomas teaches that they "abicienda esse et consciencias in contrarium informandas". And this approach corresponds exactly to what is demanded in Johannes Nider, *Consolatorium*, II, 10–11: to apply diligence and do what is in one's own power.

[46] Here it needs to be noted that Kantola goes too far when she uses the term "subjectivism" for Nider. See Ilkka Kantola, *Probability and Moral Uncertainty in Late Medieval and Early Modern Times* (Schriften der Luther-Agricola-Gesellschaft 32) (Helsinki, 1994), 111–116. This is a category alien to his thought, as we shall see later. Just how little importance Nider attached to undermining the tradition (e.g. that of tutiorism) and how much his approach is informed by pastoral practice is emphasized by Deman ("Probabilisme", 444–447). At the same time such statements can develop a dynamic that was not intended by the author.

> *. . . moralis certitudo sub certa regula tradi non potest quae sufficiat in omni casu conscientiam agentis reddere securam, se non deliquisse quod ex eventu rerum solet perpendi saepius. Ideo etiam constituti sunt tres civitates refugij [following Jos 20:7]: Fides, spes, charitas.*[47]

Due to a residual danger, Nider—following Gerson—states that humility (in fear and self-accusation when faced with God's judgment) is to be joined with hope: "Justus enim in principio accusator est sui" (Prv 18:17).[48] Ultimately, the starting position has been reversed. In an aporetic situation it is no longer the "not to sin" but the humility that hopes for God's forgiveness, which is the final principle of human action. *Certissimus*—one should note here the superlative, employed frequently in this section, which is extremely untypical of Nider's otherwise sober use of language—now no longer marks how *consientia* shares in the first principles of *synderesis* but is rather the trust in the "bonitatem naturalem patris misericordissimi" and the fact that the believer, certain of hope, can build on the *verbis . . . certissimis* of the assuredness of his forgiveness.[49] The hope of God's mercy, integrated into the method of probabilism, becomes the genuinely secure principle that moves into and bridges the gap between *conscientia* and *synderesis* and that ultimately overshadows and in effect replaces *synderesis*. Thus the circle closes back to the beginning of the *Consolatorium* where *conscientia* is understood as ". . . pro re conscita: idest pro spe bona de Dei amicitia".[50] The good hope, availed to those with good and proper conscience about God's amity, becomes the supreme principle and ultimately prepares the way for such a new concept. Nevertheless, as the following will show, this deliberation represents

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[47] Johannes Nider, *Consolatorium*, III, 15 as Gerson quote from his work *De consolatione theologiae* in Jean Gerson, *Œvres Complètes*, ed. Palèmon Glorieux (Paris, 1960–73) 9: 240A, where only the *certa* is replaced by *una*. See Johannes Nider, Praeceptorium, I, 5.9, 39.

[48] Johannes Nider, *Consolatorium*, III, 16. This is a 'locus classicus' that was set in the tiles of chapter houses (see Grosse, *Heilsungewißheit und Scrupulositas*, 17f.).

[49] "Spes igitur de infinita Dei bonitate talem reum terrorem diuini iudicij deiectum erigat, ne nimis deijciatur timorum scrupulus: sed de remissione confidat credendo verbis Dei certissimis"—several Bible passages follow which support this and the example of the patriarch Agathon who did not fear death because he trusted not his works but God's mercy (Johannes Nider, *Consolatorium*, III, 16).

[50] Johannes Nider, *Consolatorium*, I, 1. See also ibid. II, 1, summarizing the first book (". . . de conscientia recta et bona prout sumitur pro spe bona quam quis habet de Dei amicitia"). Reading the relevant passage from Thomas' *De veritate* ("cum conscientia dicitur esse spes, est praedicatio per causam, in quantum scilicet conscientia bona facit hominum bonae spei esse" (*De ver.* 17.1, ad 5; see ibid. 17.2, ad 8)), it seems to reverse what is said there: it is no longer the good conscience that brings about hope in God, but the other way around!

a rare "cusp" in Nider's thought, for he otherwise emphasizes that man is not only cast back to relying on humility and hope,[51] his theology is primarily based on probabilism. It is significant that the chapter in the *Consolatorium* devoted to probabilism, which from the sixteenth century onwards played a decisive role in Catholic attempts to overcome the dilemma of uncertainty, ends at this "cusp", which, according to Grosse and Appel, already reveals lines to Luther.[52]

3.3. *"yeglichs nach sin vermugen"—Conscience between Capability, Volition and Obligation*

What the above has determined fundamentally and theoretically for the concept of conscience and hope is translated concretely into the everyday practice of faith for Christians, the key concern of *Frömmigkeitstheologie* ("theology of piety"),[53] through an easily remembered basic rule. At issue here is a therapeutic path upon which the believer—with the aid of pastoral guidance—can attain, if not "a certitude of salvation", at the very least a good and proper conscience (*conscientia bona et recta*) (Book I) anchored in "a certitude of hope". At the outset of both the first and second books, "…de conscientia recta et bona prout sumitur pro spe bona quam quis habet de Dei amicitia"[54] is set as the goal and so, as it were, a prompting (to medicinal action);[55] the problem addressed is thus how the good conscience can arrive at a good certitude of hope as to God's amity. Following a further characterization of the good and composed conscience—including a distinction from bad conscience—in the second book Nider looks at the errant conscience. Nider lists four different cures (only in the *Consolatorium* five) capable of overcoming error. Only when these are followed, in as much as it is possible, is an error pardonable as having been insuperable (*invincibilis*). Whoever "die fierun tett er mag nit

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[51] See also Grosse, *Heilsungewißheit und Scrupulositas*, 167–171.

[52] Appel, *Anfechtung und Trost*, 49; Grosse classes this as the "second consolation stage" which is no longer based on human effort but sustained by God's help in temptation. For Luther, this is the decisive and sole one (*Heilsungewißheit und Scrupulositas*, 170.239–241).

[53] Here we use the concept introduced by Hamm. From the four essays on this concept we refer here solely to the summarizing article: Berndt Hamm, "Was ist Frömmigkeitstheologie? Überlegungen zum 14. bis 16. Jahrhundert", in *Praxis Pietatis. Festschrift für Wolfgang Sommer*, eds. Hans-Jörg and Marcel Nieden (Stuttgart, 1999), 9–45.

[54] Ibid. II, 1 as summarizing the content of the first book; ibid. I, 1.

[55] See Johannes Nider, *Consolatorium*, Prologue. The image of medicinal action is central for Nider. In the Praeceptorium as well the sacraments are regarded as a cure for the wounds inflicted by sin (III, 3.3, 231).

begriffen werden in todsünden oder tut er ioch todsund got will ím es nít für todsünd han".[56] Mentioned frequently in his work[57] and guaranteeing "das ich nit yrr gang vnd vsz verborgnen sünden kom",[58] these remedial cures provide decisive impulses for key developments in the fifteenth century. In the *Consolatorium* version they are: "inquisitio diligens scripturarum, requisitio humilis in scripturis sacris literarum, operatio bonorum per cautelam grauium vitiorum, et invocatio per orationes Dei, et sanctorum"; and the aforementioned fifth is "ardens desiderium propriae beatitudinis, et fuga damnationis perpetuae".[59] The first point, to become instructively informed through sermons and study, graphically indicates the significance of sermons and the enormous explosion of literature in this period[60]—at numerous places in his German works Nider ardently

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[56] Johannes Nider, *Predigt 18*, Berlin, Staatsbibliothek zu Berlin Preußischer Kulturbesitz, mgq 1593, f. 138r; Johannes Nider, *Predigtexzerpte*, f. 119v.

[57] Johannes Nider, *Consolatorium*, III, 10 with explicit reference to II, 8 for the final point of the prayer; Johannes Nider, *Praeceptorium*, III, 8.5–7.9, 255–257. IX, 3.10, 630f.; Johannes Nider, *Predigt 18*, Berlin 114v–118v; Johannes Nider, *Predigt 23*, Berlin 134r–138r; Johannes Nider, *Sendbrief 10*, Colmar, Bibliothèque de la Ville, MS 197 (266), ff. 105v–107r; Johannes Nider, *Sendbrief 14*, Colmar f. 177v–178r; Johannes Nider, *Harfe XIV* in Ulla *Williams, Schul der weisheit. Spirituelle artes-Auslegung bei Johannes Nider. Mit Edition der 14. Harfe* in *Überlieferungsgeschichtliche Editionen und Studien zur deutschen Literatur des Mittelalters. Kurt Ruh zum 75. Geburtstag*, eds. Konrad Kunze, Johannes G. Mayer and Bernhard Schnell (Texte und Textgeschichte. Band 31) (Tübingen, 1989), f. 55ra f. as part of the school of wisdom.

[58] Johannes Nider, *Predigt 23*, Berlin 137r.

[59] This eschatological perspective is above all a motivational aid for observing the commandments here on earth. Nider holds series of sermons on the kingdom of heaven and eternal life (Johannes Nider, *Predigt 24–26*; see Johannes Nider, *Praeceptorium*, X, 2–12, 654–726), so as to show "wie es ím hímel geschaffen ist das sy got dester ríngklícher dienín" (Johannes Nider, *Predigt 24b*, Berlin f. 146v). See also Johannes Nider, *Praeceptorium*, I, 1.5, 4. Keeping in mind the punishments of hell serves the avoidance of sin (Johannes Nider, *Predigt 26*, Berlin f. 207r f.).

[60] For the empirical finding, see Uwe Neddermeyer, *Von der Handschrift zum gedruckten Buch. Schriftlichkeit und Leseinteresse im Mittelalter und in der frühen Neuzeit. Quantitative und qualitative Aspekte* (Buchwissenschaftliche Beiträge aus dem Deutschen Bucharchiv München, eds. Ludwig Delp and Ursula Neumann, Band 61) (Wiesbaden 1998), vol. 1. For the literature explosion in and triggered by the observance movements, see the numerous articles of Werner Williams-Krapp, above all: Werner Williams-Krapp, "Observanzbewegungen, monastische Spiritualität und geistliche Literatur im 15. Jahrhundert", *Internationales Archiv für Sozialgeschichte der deutschen Literatur* 20 (1995), 1–15. On the general phenomena, see Ludger Grenzmann and Karl Stackmann (eds.) *Literatur und Laienbildung im Spätmittelalter und in der Reformationszeit. Symposion Wolfenbüttel 1981* (Germanistische Symposien. Berichtsbände. Im Auftrag der Germanistischen Kommission der Deutschen Forschungsgemeinschaft und in Verbindung mit der "Deutschen Vierteljahresschrift für Literaturwissenschaft und Geistesgeschichte", ed. Albrecht Schöne, Band V) (Stuttgart, 1984).

endorses the reading of German books![61]—given the background of an agitated fear of an errant conscience. Particularly in the German sermons, believers are warned against placing too much trust in their own judgment and are referred to books as well as educated and pious teachers. The reference to the latter has an exculpatory function; as what may be called a "quality assurance measure", this function makes it at the same time necessary that the priests—when albeit they are referred to far less than the "pious" in this connection![62]—are well trained, above all for the confessional, and validly prepared to administer the sacraments. Nider is concerned with elaborating the ideal of a pastor who is equally educated and wise (in theology and ecclesiastical law), and with unifying the *sapientia* gained in experience and *scientia*.[63] So that the person seeking support in questions of conscience finds counsel, wise pastors schooled in such questions and books and able to provide advice and practical guidance are necessary. Both are obviously integral to Nider's self-understanding: the famous preacher writes numerous works of moral theology and is also active as pastor and counselor in difficult questions—personal testimonies to this are primarily dealt with in his work *Formicarius*.[64] Apart from this consultation, believers have to play their own active part, while always striving to keep well clear of mortal sin. For all this, in the end one should trust God and entreat "vt necessaria ad salutem intelligat, et vt in ignorantia sua non permaneat",[65] and that he reveals to one the concealed

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[61] *Predigt 18* is one example where Nider says that reading books on the Ten Commandments or anything similar is nothing to be condemned. But he negatively evaluates that "die spítzigun subtilun bücher die von söllicher abgeschaidehait sagent das niement also leben mag vnd von söllichem hochen ding" (f. 117r). One important criterion for books is their "usefulness" (utilitas).

[62] Here there can be no question of an "exploitation" of this emergency situation to cement the hierarchial order of the church, as is frequently assumed; see Franz Josef Bürck, "Die Lehre vom Gewissen nach dem hl. Antonin. Diss. Theol.", *Der Katholik* 39 (1909), 31 note 43. Bürck confronts "anti-Catholic" statements made by a few Protestant authors. Grosse also speaks of "lindernde[r] Kühlung an der Autorität der Hierarchie", although he had beforehand discussed how Gerson refers to the counsel of wise, experienced and clever men. As for Nider, these are however part of the church hierarchy (*Heilsungewißheit und Scrupulositas*, 87).

[63] Drawing on Gerson's ideal, this is evident in Johannes Nider, *Consolatorium*, III, 15.

[64] Especially Schieler attempted to appraise the work in this regard. See Karl Schieler, *Magister Johannes Nider aus dem Orden der Prediger-Brüder. Ein Beitrag zur Kirchengeschichte des fünfzehnten Jahrhunderts* (Mainz, 1885).

[65] Johannes Nider, *Consolatorium*, II, 8. On this Nider remarks in the following chapter regarding the Cancellarius Parisiensis that culpable ignorance of divine law does not fall under *facere quod in se est*, for the Holy Spirit is ready and willing to teach people *immediate* what is necessary for salvation (II, 9). See Deman, "Probabilisme", 445.

sins. God's mercy and goodness/benevolence—Nider accords them an incredibly strong importance overshadowing the qualities of his power and righteousness[66]—will never forsake believers. Following on from this point, particularly in the *Deutsche Predigten*, Nider emphasizes God's unconditional saving will, which man can trust completely because God bountifully grants His grace. Man need do no more than what lies within the capability of each individual.[67] And this holds true—for believers and non-believers—irrespective of external circumstances, even if there were a hundred Popes, and one lived in an area where there were only heathens and no masses were ever held.[68] After the experience of the schism which is hinted at here, this is the secure ground which the devout Christian can always trust—it is down to each and every individual to do what he can. For Nider, *the* negative image and counterpart of scrupulousity is given by the "slothful" Christians, resigned and despondent.[69] One only has to

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[66] From a host of possible quotations, see Johannes Nider, *Consolatorium*, II, 10 and III, 16.

[67] "Hic modo opus est videre etiam, quid necessarium sit facere vnicuique. sive sit fidelis sit infidelis, vt erroneam exeat conscientiam per facere quod in se est" (Ibid. II, 8).

[68] Johannes Nider, *Sendbrief 10*, Colmar f. 105v. As already mentioned in connection with probabilism, such propositions may take up the tradition (see Grosse, *Heilsungewißheit und Scrupulositas*, 138), but the question arises if individual statements, when pointedly formulated for extreme cases and for consolation, ultimately develop their own dynamic and contribute to undermining certain things—perhaps even against the will of the author—and act as a catalyst for new developments. Similar quotes can be found for confession, which—disconnected from the author's original intention and the context—could be construed as saying that the decisive point is the will to confess, not the act of confession itself. The imparting of forgiveness by the Church through office and sacrament would thus seem—(first and foremost) in an emergency situation—expendable. It would be interesting to consider if dealing with these kinds of questions ultimately fostered the tendency to generalize the individual case and so view office and sacrament differently. Grosse suspects something similar with regard to preparing for communion in the Late Medieval period (*Heilsungewißheit und Scrupulositas*, 214), Seeberg for the thematic of so-called attritionism and contritionism (Reinhold Seeberg, *Dogmengeschichte, Band III: Die Dogmengeschichte des Mittelalters, 4. Aufl.* (Leipzig, 1930), 619), and Deman for probabilism ("Probabilisme", 446).

[69] This is evident in different places in Nider's work. Here we can only briefly remark on the issues. In *Formicarius*, a work composed in the form of a dialogue, the counterpart of the *Theologus* is the *Piger* (Johannes Nider, *Formicarius*, ed. Georgius Colvenerius (Duaci, 1602)). In his book on reforming the orders, those opposing reform are depicted as pretending to be concerned with protecting a weak (*fragilis*) human nature so as to avoid reform ("Complexio non est adeo lapsa ut acediosi garriunt; sed feruor ad bonum, qui in potestate humani est, lapsius est" (Johannes Nider, *De reformatione religiosorum libri tres*, ed. per Ioannem Boucquetium (Antverpiae, 1611), I, 4, 38; see in II, 4, 149–51 the tepid and hypocritical religious men who turned away from the faith). Plagues besetting Christianity, for example heresy (here: the Hussites), are permitted by divine providence so as to arouse Christianity from its "pigritas" (Johannes Nider, *Formicarius*, III, 11). On the

contribute one's part and God will not deny anyone who seeks His grace.[70] This *facere, quod in se est* leaves its original *Sitz im Leben*, the recognition of sin, and radiates upon all areas of Christian life:[71] wherever excessive demands and a false focus on achievement can become prevalent or wherever there is a fear that one may fall short of what is demanded, the *facere quod in se est* shall always clear the conscience. This is always tied with the call to trust God's grace. Ultimately, the problematic of the errant as well as the scrupulous conscience leads into the theology of grace.[72]

4. *Theology and Pastoral Care at the Crossroads: Reformation and Probabilism*

During the historical age in which Nider lives, conscience increasingly becomes a focal point of interest in the lives of believers and thus in theology. With its strong orientation on moral theology, Nider's work is characterized in particular by efforts to (in-)form conscience. In this, the pastoral care at the confessional is accentuated. In addition to informing about the norms of Christian action, Nider also looks at the limits of Late Medieval man in his volition and capability. Ultimately, Nider's concept also embraces the remedial cure of minimizing the demands placed on

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connection between scrupulosity—pusillanimity—acedia, see Grosse, *Heilsungewißheit und Scrupulositas*, 25f.

[70] "…non potest se negare volenti gratiam suam recipere faciendo quod in se est" (Johannes Nider, *Consolatorium*, II, 9).

[71] This formulation is evident in the *Deutsche Predigten*, above all in the area of penance: recognition of sin (Johannes Nider, *Predigt 6n*, Berlin f. 71v; *Sendbrief 10*, Colmar ff. 105v–107r; *Sendbrief 14*, Augsburg, Universitätsbibliothek, Cod. III.1. 4 8, ff. 177v; *Predigt 18*, Berlin f. 116r; *Predigt 23*, Berlin f. 137rf.), true remorse (*Predigt 20*, Berlin f. 121v), forgiveness of sins (*Predigt 6n*, Berlin f. 71v) and preparation for receiving the Eucharist (*Sendbrief 15*, Berlin f. 257r; *Sendbrief 20*, München, Bayerische Staatsbibliothek, Cgm 3891, f. 154 va). But this formulation is also evident in the issue when a counselor is absent at temptation (*Predigt 23*, Berlin f. 133v), realizing the imitation of Christ [by which *ÿeglichs nãch sín vermugen* is to be translated into action (twice in *Predigt 8*, Berlin f. 86r)—part of this is the knowledge of what a man, in accordance with his social position, necessarily has to learn for his salvation (see et al. Praeceptorium, IX, 1.6, 606f.)], when elevating one's heart to God (*Predigtexzerpte*, Augsburg f. 116v), and when hearing and considering the word of God (*Sendbrief 8*, Colmar f. 96r; *Predigt 8*, Berlin f. 86 r).

[72] And in fact book II of the *Consolatorium* ends with this question. Doing what one is capable of may create a disposition to receiving grace (*dispositionem diuini adiutorij*), but ultimately no one can be disposed sufficiently to grace if God has not disposed them. On the other hand, grace can only cooperate with a free will when this will accedes (II, 9). In the tenth and final chapter of the second book, Nider points out the reasons as to why God is waiting to bestow his grace when man does what is in him—and that he gives them this grace completely.

the individual.[73] The aim of this therapeutic approach is to assist believers whenever they are plagued by gnawing worry about the certitude of salvation and to alleviate their worry at those loci where they may be made aware of the differences between what they shall, what they will, and what they can. Conscience is the field upon which these struggles are played out. Nider and the "theology of piety" of the age see it as their challenge to extract man from his 'idleness' (*pigritia*) in this battle and motivate him to want and—secondarily—do what is possible on the one hand, while on the other providing consolation and succour when he encounters the limits of what he can. Also tied to this is a more emphatic informing and instructing of the believer. This occurs through priests specially trained in confessional pastoral care, ensuring their quality is an uppermost priority[74] through wise Christians in the Church and through books such as the *Consolatorium*, which aims at being an aid for the pastor, supporting him in his efforts to competently stand by individuals with a timid and overburdened conscience, guide them towards what is possible, spur them on, and comfort them when they experience their limits. Instructing pastors in the field of the conscience therefore becomes one of the key and urgent tasks of the fifteenth and sixteenth centuries. As these centuries will demonstrate, fifteenth-century theology is at the crossroads. Two paths are already in Nider's work which will gain significantly in importance in the following century: probabilism, which finds one of its first advocates in Nider, will be elaborated further in moral philosophy and theology, elevated to a theorem, and in Catholicism become a key method still recognized today.[75] Out of the gap that opened up, reformers will draw different consequences and also enter unknown theological territory. The problem of scrupulosity discussed here reveals in paradigmatic fashion how the newly emerging phenomenon is at once a catalyst for identifying and setting norms and a source of departure.

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[73] On the idea of "minimum demand", see above all Berndt Hamm, "Wollen und Nicht-Können als Thema der spätmittelalterlichen Bußseelsorge", in *Spätmittelalterliche Frömmigkeit zwischen Ideal und Praxis*, eds. Berndt Hamm and Thomas Lentes (Tübingen, 2001), 120f. This is not only attested by the frequently used phrase "quod in se est facere", but also—for example—of that word "sufficit" in the contexts relevant to our theme.

[74] Schieler, *Magister Johannes Nider*, 188–193.

[75] Here I would like to refer to the two volumes of Schüßler's study, *Moral im Zweifel*, in particular 1:147f.

AMT, LEHRAMT, CHARISMA. DIE BEDEUTUNG VON PRUDENTIA, DISCRETIO UND NORM ZUR ZEIT DER ERSTEN MELKER REFORM

Meta Niederkorn-Bruck

Wissen, Entscheidungsfähigkeit und Einhaltung von Normen—das Spannungsfeld, das sich zwischen diesen „Eckpunkten" auftun kann, ist immer wieder auch Gegenstand normativer Texte im monastischen Umfeld. Man versuchte schon in der karolingischen Reformliteratur, diesem Problemkreis zu entkommen, indem man ausführlich die „Notwendigkeit" von Wissen für die Ausübung verschiedener Aufgaben betonte; nicht nur im Zusammenhang mit dem priesterlichen Amt, sondern—und dieser Schwerpunkt findet immer wieder in „Vorbemerkungen" ausführliche Diskussion—auch im Hinblick auf die Aufgaben seelenführender und lehrender Personen, wie Abt, Prior, Novizenmeister, etc. im Kloster. Wann immer Schriftsteller aus monastischem Umfeld sich zur Textproduktion entschlossen, wurde das Thema, bzw. die Frage nach der Berechtigung, ein Thema ausführlich darzustellen, diskutiert. Dabei ging es sowohl in der Spätantike, als auch im frühen, hohen und späten Mittelalter immer um die Frage, wie man Wissensproduktion gegen den Vorwurf der „Anmaßung" verteidigt. Hierbei handle es sich um einen Bescheidenheitstopos, ist man hier natürlich sofort versucht zu sagen, und die Lösung für dieses konstant aktuelle Thema ist eine nahezu ebenso standardisierte Antwort: Sie lag immer darin, zu sagen, dass es nicht um die Verankerung persönlicher Eitelkeiten im Text gehe, sondernd darum, mit dem Text eine sichere Verankerung des Glaubens zu erreichen. Die Basis für das monastische Leben, und vor allem die Sicherung der Identität nicht nur in der Tradition, sondern auch im Wissen, was diese Tradition begründet, sollte formuliert werden. Im Folgenden werden in erster Linie zwei Themenbereiche genauer betrachtet; zum einen die Frage der Textproduktion allgemein, und dann die Frage, wieweit Wissensproduktion—mit wissenschaftlichem Anspruch—mit dem monastischen Denken vereinbar ist.

Ausgegangen wird von den normativen Texten aus dem Bereich der „Melker Reform",[1] von der Frage der „Träger" dieses Reformgutes,

[1] Vgl. Gerda Koller, *Princeps in ecclesia. Untersuchungen zur Kirchenpolitik Herzog Albrechts V. von Österreich* (Wien, 1964); Meta Niederkorn-Bruck, *Die Melker Reform im Spiegel der*

nämlich anhand des Amtes von Abt, Prior und/oder Novizenmeister, sowie anhand der biographischen Skizzen zu Petrus von Rosenheim und Johannes Schlitpacher. Der Sprung von der Idee in die Praxis soll insbesondere im Zusammenhang mit der Analyse der Arbeiten Schlitpachers zum Kommentar der Benediktsregel, konkret an den Fragestellungen von Lehren, Lesung, Schreiben und Studium in seinen Möglichkeiten und Grenzen ausgelotet werden. Das Zentrum der Fragestellungen beruht daher zunächst einmal auf dem Spannungsfeld, das sich zwischen den Begriffen *Prudentia* und *discretio*[2] im Kontext von Norm bildet.

Im Kontext der *essentialia*[3] *monasticae vitae* steht für die Protagonisten der Reform immer die Frage im Mittelpunkt, inwiefern „die Bildung als Voraussetzung" für die Durchführung einer Reform des benediktinischen Lebens und damit für die Einhaltung der Norm gelten kann. Wenn man nun von den biblischen Grundlagen absieht, reicht die Tradition der Autoritäten bis zu den Kirchenvätern zurück. Unter den aus dem Hoch- und Spätmittelalter vorrangig zitierten Autoritäten seien hier nur diejenigen genannt, deren Texte innerhalb der Argumentation im oben genannten Kontext—Amt, Lehramt und Charisma—besonders oft verwendet wurden: Hugo von St. Viktor, *Didascalicon*, Hugo de Folieto, *De claustro animae*, Bernhard Ayglerius (Abt von Montecassino 1263–1282), *Speculum monachorum* (1274) und *Commentarius in Regulam* (1282),[4] Petrus Boerius (Pierre Bohier)[5] und Johannes von Kastl, *De abbate*[6] und

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Visitationen (Wien/München, 1994); Albert Groiss, *Spätmittelalterliche Lebensformen der Benediktiner von der Melker Observanz vor dem Hintergrund ihrer Bräuche. Ein darstellender Kommentar zum Caeremoniale Mellicense des Jahres 1460* (Münster, 1999).

[2] André Cabassut, „Discrétion", in *Dictionnaire de spiritualité: ascetique et mystique, doctrine et histoire*, fondé par M. Viller, F. Cavallera, J. De Guibert. Continué par A. Rayez, A. Derville et A. Solignac, 3 (Paris, 1957), 1311–1330.

[3] Johannes Schlitpacher, *Postilla regulae*, CM 753, Kommentar zu Kapitel 33—*De proprietate*—am rechten Rand vermerkt Schlitpacher: Nota bene—insbes. fol. 270r: *„Ubi sciendum est quod tria sunt essentialia relligiosi [sic] status . . . primum est voluntaria paupertas, . . .* (fol. 270v) *. . . secundum est perpetua castitas . . . tercius est oboedientia . . ."*

[4] Bernardus Cassinensis stellte die Basis für viele Argumente her, hat aber abseits des Kommentars zur Benediktsregel vor allem im Zusammenhang mit der Diskussion um Eigentum hohen autoritativen Rang aufgrund seiner erfolgreichen Bemühungen, den Besitzstand des Klosters im Kontext der *proprietas/paupertas* Diskussion wieder wirtschaftlich zu sanieren.

[5] Als Bischof von Orvieto in Subiaco verfaßt; insgesamt zur Beziehung zwischen Boerius und Subiaco vgl. Uwe Israel, „Reform durch Mönche aus der Ferne. Das Beispiel der Benediktinerabtei Subiaco", in *Vita communis und ethnische Vielfalt. Multinational zusammengesetzte Klöster im Mittelalter*, ed. Uwe Israel (Berlin, 2006), 157–178, bes. 175–176.

[6] Zu Johannes Virgil Redlich, „Johannes von Kastl", in *Lexikon für Theologie und Kirche* (Freiburg, 1986), 5: 1048–1049. Insgesamt zur Beurteilung des Johannes von Kastl vgl. Beda

Expositio in regulam sancti Benedicti. In Melk, um dessen Reformprogramm es hier vorrangig gehen wird, hat Petrus von Rosenheim, der nahezu gleichzeitig mit Johannes von Kastl „arbeitete", seine grundlegenden Ideen zu den *Essentialia* u.a. ausführlich in seinem *Sermo de statu monasticae vitae*[7] behandelt; Johannes Schlitpacher (1403–1482)[8] hat, wie es auch zu erwarten ist, die Diskussion der *essentialia monasticae vitae* im Rahmen seiner verschiedenen Fassungen des Kommentars zur Benediktsregel aufgegriffen. Die Ansprüche, die mit den Essentialia *paupertas, castitas* und *oboedientia* verbunden sind, wurden auch in der Diskussion im 15. Jahrhundert nicht verändert; es wurden in der Diskussion die Dimensionen der den einzelnen Feldern eigenen Verantwortungen in mancherlei Hinsicht sogar erweitert. Dies geschah insofern, als nun wichtige, mit dem jeweiligen Grundsatz zu verbindende Autoritäten und deren Inhalte aufgrund der fortschreitenden Entwicklung des Ordens zusätzlich in die Argumentation eingebaut wurden und deshalb im Rahmen der Einübung in das monastische Leben Bedeutung erlangten.

Erfolg oder Mißerfolg einer Erneuerung, eines Aufbruchs, hängt von Personen und Ideen ab. *Dignitas* besitzen bedeutete in diesem Kontext, den Anforderungen eines Amtes würdig zu sein.[9] Der in der Argumentation zu beobachtende Aufbruch zu neuen Wegen ist aber ein Aufbrechen des Denkens aufgrund neuer Argumentationsformen, die sich zunehmend auf Kriterien des wissenschaftlichen Denkens und textkritischer Methoden stützten. Verantwortungstragende sind der Schlüssel, weshalb auch die *dignitas* dieser Personen immer hinterfragt wird, wann immer man sich damit theoretisch—in den verschiedensten Traktaten—oder praktisch—in den *Consuetudines* (*Praxis regularis vitae*)—beschäftigt.

Maria Sonnenberg, *Die Abtswahl nach Johannes von Kastl. Untersuchungen und Textedition* (Studien und Mitteilungen zur Geschichte des Benediktinerordens 45) (St. Ottilien, 2008), bes. 335.

[7] Petrus von Rosenheim, „Sermo de statu vitae monasticae", in *Bibliotheca Ascetica antiqua-nova*, Tomus VIII, ed. Bernhard Pez (Ratisbonae, 1725) 83–94.

[8] Meta Niederkorn-Bruck, „Studien zu einem Professbuch des Klosters Melk, Teil 1: 1418–1452", in *Stift Melk. Geschichte und Gegenwart* 4 (1985), 79–202. Zur literarischen Rezeption Schlitpachers siehe auch zusammenfassend Franz Josef Worstbrock, „Schlitpacher, Johannes", in *Verfasserlexikon. Die deutsche Literatur des Mittelalters* (²1993), 8: 727–748 und Fritz Peter Knapp, *Die Literatur des Spätmittelalters in den Ländern Österreich, Steiermark, Kärnten, Salzburg und Tirol von 1273 bis 1439*, ed. Herbert Zeman (Graz, 2004), 248.

[9] Vgl. insgesamt RB 21,6—*qui dignus est*; Vgl. Michaela Puzicha, *Kommentar zur Benediktsregel im Auftrag der Salzburger Äbtekonferenz* (St. Ottilien, 2002), 244.

1. *Dignitas abbatis—Amt—Charisma—Lehramt [. . . abbatem et prelatum et quemcumque alium ex statu sui officii habet loquendi et docendi auctoritatem . . .]*[10]

„*Er bedenke das und verhalte sich so, dass er dieser Würde würdig ist*" (RB 63, 14: *Ipse autem cogitet et sic se exhibeat ut dignus sit tali honore*).[11] *Dignitas*, des Amtes würdig zu sein, resultiert aus der *discretio*; sie leitet den Verantwortung tragenden Menschen auf dem Weg des rechten Maßes in allen Angelegenheiten und verleiht ihm Virtus, die letztlich zur Vollendung in der Perfektion führt. Unter Berufung auf Dionysius Exiguus argumentierte man, die perfectio bedeute, dem „Anspruch", den die gewählte Lebensform an einen stellt, gerecht zu werden: Die *discretio* wird als „*moderatrix et auriga virtutum*" bezeichnet—„*Quo zelus ferventior, eo maiori opus est discretione. Discretio quippe omni virtuti ordinem ponit, ordo modum tribuit et decorem largitur. Est ergo discretio non tam virtus, quam moderatrix et auriga virtutum ordinatrix affectuum, morum doctrix et consummatio perfectionis. Tolle hanc, et virtus vitium erit*".[12]

Diese Würde leitet sich allein vom Charakter des Amtes ab, nicht, wie die *dignitas* der römischen Antike, von Besitz, sozialer Herkunft, auch nicht aus dem Alter einer Person. Der Abt wird auf die aus seinem Amt erwachsende enorme Verantwortung hingewiesen: *Meminere debet semper abbas . . . et scire, quia cui plus committitur, plus ab eo exigitur* (RB 2, 30).[13] Im Kommentar zur Benediktsregel behandelt Schlitpacher diese Passage ausführlich. Dabei ist es für ihn zentral, einen Mittelweg zu finden zwischen dem Selbstverständnis, das Äbte insbesondere reicher Klöster aus ihrem Amt ableiten, und den Pflichten, die sie der Gemeinschaft gegenüber haben. Deutlich wird die Aktualität des Fragenkomplexes im *Modus procedendi in visitatione*,[14] der den Ablauf der Visitationen regelte. Schlitpacher hat diesen vorrangig für die im Zuge der Visitationsreise 1451/1452[15] vorzunehmenden Untersuchungen in sein Handbuch aufgenommen.[16]

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[10] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 6, CM 753, fol. 119v.

[11] Puzicha, *Kommentar zur Benediktsregel*, 534.

[12] Dirk Wassermann, *Dionysius der Kartäuser. Einführung in das Werk und die Gedankenwelt* (Salzburg, 1996), bes. 129–130; zum Zitat vgl. Anm. 94.

[13] Siehe dazu auch Puzicha, *Kommentar zur Benediktsregel*, 89.

[14] Stiftsbibliothek Melk, CM 1605, fol. 68r–74r.

[15] Meta Niederkorn-Bruck, *Die Melker Reform im Spiegel der Visitationen* (Wien und München, 1994), 64–67, bes. 65 mit. Anm. 184.

[16] Zum *Modus procedendi in visitatione monasteriorum* vgl. insbesondere hier Melk, Stiftsbibliothek, CM 1767 (alte Signatur: 426).

Discretio ist die „Grundtugend des Abtes“,[17] die richtige Entscheidung treffen zu können, und deshalb auch Thema jeder Reform. Bei Benedikt wird sie besonders im Kontext der Frage nach der Befähigung einer Person, ein Amt auszuüben, diskutiert: „Ausschlaggebend … sind für Benedikt nicht zuerst Fähigkeiten und Kompetenzen, sondern Glaubwürdigkeit in der Lebensführung und Lehrweisheit“,[18] innerhalb derer das Bedenken, das Wissen und das Überlegen sein Handeln bestimmen.[19] Diese Bestimmungen haben im Zuge der Entwicklung von Ordensprovinzen, wie sie durch Benedikt XII. geschaffen wurden, auch ergänzender Erläuterungen bedurft. Zentrale Frage im Zuge der Erneuerung benediktinischen Lebens und der Organisation verschiedener Reformverbände war auch immer die nach dem Besitz eines Klosters. Für die Position des Abtes geht Benedikt von Nursia, der sich im 2. Kapitel allgemein mit den Aufgaben und im 63. Kapitel der Regel mit der „Einsetzung“ des Abtes beschäftigt, von einem Kloster aus, das als selbstständige und unabhängige Gemeinschaft auch besondere Rechte hinsichtlich der Verwaltung und der geistlichen Führung besitzt.

Die größte Gefahr wurde jedoch darin gesehen, dass dieser Besitz für den eigenen Bedarf verwendet und damit die Verantwortung für die Verwaltung dieses Besitzes[20] missbraucht werden könnte. In seinem Regelkommentar behandelt Schlitpacher nochmals eingehend die sich um „Erbe“ drehende Problematik. Dabei ist ihm bewusst, dass es immer darum geht, die Forderung der Besitzlosigkeit für den Einzelnen aufrecht zu erhalten; sich auf die päpstliche Gesetzgebung berufend, argumentiert er jedoch, dass selbst Franziskaner als Gemeinschaft Besitz haben können bzw. sogar sollen. Damit ist für ihn die Frage des Gemeinschaftsbesitzes geklärt, die letztlich die Annahme eines Erbes ermöglicht.[21] „*Nos opportet exhibere digni simus eum possidere …*“,[22] unter der Voraussetzung, dass

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[17] Puzicha, *Kommentar zur Benediktsregel*, insbes. Erläuterungen zu Kapitel 64: *De abbate*, 549 und zu RB 64, 17–19.

[18] Puzicha, *Kommentar zur Benediktsregel*, insbes. Erläuterungen zu Kapitel 64: *De abbate*, 543.

[19] *Memineritque … scire, … cogitare*. Vgl. dazu Michaela Puzicha, *Kommentar zur Benediktsregel*, insbes. Erläuterungen zu Kapitel 64: *De abbate*, 547.

[20] *Codices latini monacenses (Clm)*, ed. Karl Halm, Bayerische Staatsbibliothek (München, 1873ff), 19638, fol. 60r–61r: *de abbate*; fol. 61r–61v: *de quantitate reddituum monasterii*.

[21] Schlitpacher, *Postilla regulae*, Kommentar zur RB, Cap. 33—*De proprietate*, CM 753, insbes. den Abschnitt fol. 270r–277r.

[22] Schlitpacher, *Postilla regulae*, Kommentar zur RB, Cap. 33—*De proprietate*, CM 753, insbes. fol. 271v.

man sich dessen würdig erweise, schreibt Johannes Schlitpacher und setzt nahezu unmittelbar daran anschließend fort *„ergo, volumus in hereditate possidere Dominum nihil debemus habere extra Dominum“*.[23] In diesem Zusammenhang kommt der liturgischen „Memoria“ eine nicht unbedeutende Rolle zu. Dass dieses Thema so brennend ist, liegt in der Natur der Sache, da die Klöster ohne Besitz ihre verschiedenen Aufgaben im soziokulturellen Umfeld nicht wahrnehmen könnten. Würden sie keine „Unterstützung“ in Form von Stiftungen und Meßstipendien erhalten, könnten sie oftmals nicht existieren. Verdeutlicht wird diese Dimension im „Formularbuch“ aus der Amtszeit des Melker Abtes Christian Eibensteiner, in dem neben vielen Reformangelegenheiten auch ein Schreiben überliefert ist, in dem einem Abt bewilligt wird, ein Erbe, das einem Mitglied des Konventes zugefallen ist, als Besitz für die Gemeinschaft anzunehmen.[24] Da diese Diskussion so vehement geführt wurde, verwundert die Ausführlichkeit der Kommentare zu diesem Thema nicht. Sie überrascht allerdings auch nicht, wenn man die Liste der allfälligen „Fehlverhalten“ eines Abtes bedenkt, die im Rahmen der Befragung anläßlich der Visitation angesprochen wurden: dabei konnte es sich etwa um seine Bereitschaft handeln, mit seiner Familie Feste zu feiern, oder allzu frei am gesellschaftlichen Leben teilzunehmen und eher das Leben eines Edelmannes als das eines Abtes zu führen.[25]

Der Abt hat die tatsächliche Einhaltung der Disziplin einzufordern, sich aber gleichzeitig bewusst zu sein, vor allem vor dem Jüngsten Gericht Rechenschaft ablegen zu müssen. *Prudenter agat (RB 64,12)*, den Rat der Brüder einzuberufen bzw. beizuziehen, ist nicht nur eine logische Konsequenz des Mönchtums zur Zeit Benedikts; es war und ist auch zu Lebzeiten Schlitpachers eine der wesentlichen Pfeiler für das Funktionieren der Gemeinschaft—der Rat aller sollte zumindest gehört werden—„De adhibendis ad consilium fratribus“.[26]

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[23] Schlitpacher, *Postilla regulae*, Kommentar zur RB, Cap. 33—*De proprietate*, CM 753, fol. 271v.

[24] Stiftsbibliothek Melk, CM 778, fol. 55r.

[25] Interrogatorium; nach der Überlieferung *Codices latini monacenses*, clm 19 637, fol. 65 v; im Rahmen der *paupertas* wurde bereits zuvor die Besitzfrage diskutiert und hier fällt insbes. 55v auf—am unteren Blattrand nachgetragen—wenn etwa Hunde (für die Jagd oder Vogelstellerei—*venaticis aut aucupiis*) innerhalb der Klausur gestattet werden.

[26] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 2—*Qualis debeat abbas esse,* CM 753, fol. 49v.

> *Quociens aliqua precipua … agenda sunt in monasterio convocet abbas omnem congregacionem, scilicet suorum monachorum et professorum quia, quod omnes tangit debet ab omnibus comprobari.*[27]

Abschließend stellt er fest:

> *Quia ut dicit Hugo super verba s. Augustini. Consuetudines monasterii cum auctoritate et discrecione et distinctione ordinande sunt. Si quid autem mutari opportet vel constitui non decet hoc cito vel leviter fieri, nec arbitrato tamen duorum aut trium sed communitas pars sanior canonice congregatis decreverit ordinandum es.*

So setzt Schlitpacher im Kommentar fort und weist auf die Erläuterung der Stelle am unteren Rand, bei der es dann vor allem um einen Hinweis auf Besitzfragen geht. Johannes Schlitpacher steht hier unmittelbar in der Tradition des Bernardus Ayglerius, da dieser ausführlich durch Johannes von Kastl rezipiert wurde. Der Abt ist, so lautet die Quintessenz bei Johannes von Kastl, „gleichsam der Schnittpunkt …, in dem sich Gott und die Menschen berühren".[28]

Es ist allerdings nicht allein der Abt, der die Verantwortung für die Durchführung des Programms trägt. In der Realisierung dessen innerhalb des Klosters und in seinem sozialen Verhalten stehen ihm insbesondere für die geistliche Leitung Prior, Novizenmeister und Zellerar als wesentliche „Hilfskräfte" zur Seite.

Wie hoch man die Bedeutung des Amtes des Priors einschätzte, wird auch dadurch unterstrichen, dass man anläßlich der Visitationen oft nicht nur den „Abt" austauschte, sondern mitunter auch einen der Visitatoren in dem dem Reformprogramm anzuschließenden Konvent als Prior „zurückließ". Die Biographien des Petrus von Rosenheim, aber auch die mitunter sehr kurzen biographischen Angaben aus der in Melk überlieferten Gästeliste, geben uns davon Nachricht. Da in der Melker Liste aufgezeichnet wurde, wenn ein Mönch in einem anderen Kloster Prior wurde, ist die unmittelbare Verknüpfung aus einem „Gastaufenthalt" in Melk und der Karriere, die ein Gast, sobald er in sein Stammkloster zurückgekehrt ist, mitunter machte, … *post reversionem prior factus est*,[29] nicht von der Hand zu weisen.[30]

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[27] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 2—*Qualis debeat abbas esse*—CM 753, fol. 49r–v.

[28] Insgesamt Beda Maria Sonnenberg, *Die Abtswahl nach Johannes von Kastl. Untersuchungen und Textedition* (St. Ottilien, 2008), bes. 335.

[29] Stiftsbibliothek Melk, *Liste der Gäste—Hospites*, CM 391, 179–181.

[30] Meta Niederkorn-Bruck, „Die Stimme der Universität Wien im mehrstimmigen Satz des Wissenskonzertes im ausgehenden 15. und beginnenden 16. Jahrhundert", in *Die*

Zentral blieb dabei immer, dass mit der Verantwortung auch die Forderung nach bestimmten Kompetenzen verbunden war. In den die Äbte betreffenden Fragen im Interrogatorium[31] liest man die Traktate „*de essentialibus*" nahezu im Hinterkopf mit: In diesem Text[32] wird nach Abschluss der Befragung über die spirituelle und wirtschaftliche Situation im Kloster der Konvent nach der Person des Abtes befragt: *Si est doctus lege divina ut sciat (RB 64, 9)*[33] *fratres exhortari ad bonum*, so setzt Johannes Schlitpacher im Kommentar fort. Diese Frage macht den Sprung von theoretischer Überlegung zu praktischer Verknüpfung von Amt, Eignung und Ausbildung deutlich und greift die Funktion des „*doctus*" im Sinne des Erziehens auf. Die Schlüsselfunktion des Abtes im Zuge des Visitationsprogramms erkennt man auch daran, dass in verschiedenen Briefsammlungen, die im Zuge der ordnenden Übersicht über Visitations- und Reformangelegenheiten zusammengestellt wurden,[34] die Zusammenfassung von „Punkten" überliefert ist, die der Abt von Lambach bereit ist, zu verändern, bevor die Reform offenbar umgesetzt werden konnte.[35] Es ist in diesem Kontext nicht überraschend, dass man dem Wahlmodus besondere Aufmerksamkeit schenkte, wie der *Apparatus notarie* und die *Littere missive pro confirmacione prelati electi* zu erkennen geben.[36]

An die Frage der Ausbildung wird die Verwaltungskompetenz geknüpft: „*Si fuit diligens circa conservacionem librorum et clenodiarum*".[37] Darin drückt sich die Sorge um den spirituellen und materiellen Besitz aus. Die Aufbewahrung, Verwaltung und letztlich der sorgsame Umgang mit dem Buchbesitz wird im Interrogatorium nur peripher angesprochen; Schlitpacher hingegen setzt sich im Rahmen des Kommentars zu Kapitel 48 intensiv damit auseinander: „*... debent ... tales libri diligenter*

Universität Wien im Konzert europäischer Bildungszentren, 14.–16. Jahrhundert, ed. Kurt Mühlberger und Meta Niederkorn-Bruck (Wien, 2010), 113–140.

31 Hier nach der Überlieferung aus Tegernsee, Bayerische Staatsbibliothek München, clm 19 638, fol. 54r–102.

32 Bayerische Staatsbibliothek München, Clm 19 638, fol. 65r.

33 Vgl. Puzicha, *Kommentar zur Benediktsregel* (wie Anm. 17), 544.

34 Vgl. Stiftsbibliothek Melk, CM 778, CM 1094.

35 Stiftsbibliothek Melk, CM 1094 fol. 276v–279v: „*Tenor cedule cuius singula puncta dominus Johannes abbas lambacensis promisit se ad impleturum ante reformationem*".

36 Stiftsbibliothek Melk, CM 874 fol. 5r.

37 Interrogatorium, zitiert nach *Codices latini monacenses*, Clm 19638, fol. 65r.

custodiri ne vel perdantur, destruantur aut alia immanide[38] *tractentur*".[39] Wenn nach den *Inventaria* gefragt wird, geht es also um die tatsächliche „Bewahrung, Aufbewahrung" der Bücher oder auch der Güter und der Schätze generell.

2. *Buch und Bücher als cibus animae*[40]

Lectio/legere und *scriptio/scribere* sind Themenfelder, die aufgrund ihres Inhalts automatisch zu der Spannung, die zwischen *humilitas, oboedientia* und *paupertas/proprietas* besteht, führen; darin ist die *discretio* des Abtes ganz besonders gefordert.

In der *Postilla regulae* behandelt Schlitpacher diesen Fragenkreis ausführlich; dabei steht das Vorhandensein der Literatur, die als „Grundlage" für Gottesdienst, sowie darüber hinausgehend für Gebet und Meditation, für die *lectio* insgesamt also, dient, nicht im Vordergrund. Gemeinsame Lektüre, auch diejenige, die außerhalb der eigentlichen Gottesdienste für die *lectio privata* verwendet wird, ist recht gut kontrollierbar: Sie wird dem Mönch zugeteilt. Literatur aus der Bibliothek meint hier nicht mehr die Texte aus der Bibel, sondern allgemein die doctores orthodoxi, denn: *„Lectio que est cibus anime sive refectio spiritualis si fiat de sacra scriptura aut aliis de hiis ex dictis et senioribus sanctorum et aliorum doctorum orthodoxorum"*.[41]

Schlitpacher war sich als aktiver Benutzer von Literatur bewusst, dass Probleme erst dann entstanden, wenn Bedingungen für die Nutzung von notwendiger Literatur sowohl für Privatlesungen und Meditationen, als auch für eine Weiterarbeit an Texten geklärt werden sollten. Er setzt „Codex" absichtlich mit liber gleich, da er sich des Bedeutungswandels von *bibliotheca* und *codex* durchaus bewusst war.[42] Studium, Lesen und Schreiben bedeutet Arbeit, die Schlitpacher im Rahmen des Kapitels

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[38] Schlitpacher schreibt hier wohl *inmanide*, dies ist aber aufgrund der Verschleifung des Schaftes bei „n" nicht eindeutig erkennbar.

[39] Schlitpacher, *Postilla regulae*, CM 753, fol. 388v.

[40] Vgl. Schlitpacher, *Postilla regulae*, CM 753, fol. 296v–297r: *„Lectio que est cibus anime sive refectio spiritualis si fiat de sacra scriptura aut aliis de hiis ex dictis et senioribus sanctorum et aliorum doctorum orthodoxorum"*.

[41] Schlitpacher, *Postilla regulae*, CM 753, fol. 296v–297r.

[42] Ganz sicher ist der Begriff nicht mehr als Bezeichnung für die Bibel zu sehen, wie es bei Puzicha, *Kommentar zur Benediktsregel*, 415, Anm. 91 für das frühe Mittelalter in diesem Kontext thematisiert wird.

über die Handarbeit und Lesung eingehend erklärt.[43] Dabei ist für ihn die Frage der Behandlung und Sorgfalt im Umgang mit den Büchern ein wichtiges Problem; deutlich artikuliert er sein Anliegen, wenn es darum geht, diese Bücher den Mönchen in ihren Zellen mitzugeben, da diese Lektüre ja nicht gut an den Orten der gemeinsamen, wenn auch stillen Lesung, durchgeführt werden können. Immer wieder äußert er neben der grundsätzlichen Warnung vor der „ociositas"[44] im Sinne des Verses 48,1: „*Ociositas inimica est anime*" die Warnung vor dem Müßiggang, und man merkt nahezu auch im Schriftbild die Ruhe, die die Bemerkung. „*non est ociosus . . . qui studium cognoscendi veritatis exercet*"[45] ausstrahlt. Schlitpacher bezeichnet hier *ocium* mit *exercicium spirituale*, das er mit dem *ocium sanctum* des Augustinus gleichsetzt.[46]

3. *Einübung in das Leben im Kloster—Lehrer und Lehrstoff*

Johannes Schlitpacher behandelt in diesem Kontext die Leitungs- und Lehrfunktion als eine wichtige gemeinsame Ebene; ausdrücklich spricht er die Bedeutung von graduierten Lehrern im Kommentar zu Kapitel 6 *De taciturnitate. . .* an: „*Nam loqui et docere magistrum condecet*". Diesen Abschnitt setzt er in seinem Autograph im Schriftgrad vom Schriftbild des Kommentars deutlicher ab als der den Text abschreibende Mönch tut. Lehre und Unterricht wird im allgemeinen Kontext der *Silentium/ Taciturnitas* angesprochen und im Kommentar erläutert:

> *Pro . . . parte notandum quod pastores in ecclesia ex officio habent docere cum sint magistri et doctores subditorum, licentiam magistri et doctores graduati ex gradu aut commissione habeant docere aut loqui licet non sint curati tamen principaliter id incumbit prelatis et pastoribus ecclesiasticis.*[47]

Das Hinführen zum Leben im Kloster ist die grundlegende Aufgabe. Einige wenige Notizen zu den Biographien von Protagonisten der Melker Reform,

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[43] RB 48—*De opere manuum cottidiana*. Vgl. auch Puzicha, *Kommentar zur Benediktsregel*, 410–419; hier 410, Anm. 60.

[44] Puzicha, *Kommentar zur Benediktsregel*, 410, Anm. 60 zum Begriff *otiositas*—ein Begriff der christlichen Sondersprache—ohne Hinweis auf Augustinus und die Auseinandersetzung in den Regelkommentaren.

[45] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 48—*De opere manuum cottidianua*, hier insbes. fol. 395r.

[46] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 48, CM 753, hier insbes. fol. 395r.

[47] Zitiert nach der Reinschrift in Bayerische Staatsbibliothek München, Clm 21 111, fol. 46v, b.

die als Raster für die Behandlung des eingangs formulierten Themas „Amt, Lehramt und Charisma" dienen, können dies verdeutlichen.

Petrus von Rosenheim (1380–1432) nimmt ohne Zweifel neben Nikolaus Seyringer unter den ersten „Trägern" der Reform eine hervorragende Stellung ein. Er wird etwa im „Katalog Trithemius" unmittelbar neben Nikolaus von Dinkelsbühl genannt. Auch aus dem Werkkatalog, wenngleich dieser sicher noch in manchen Punkten zu modifizieren sein wird, ist die inhaltliche Spanne, die die Werke innerhalb der Aufgabenbereiche—die von „Verwaltung" bis zu Mnemotechnik und „Seelenführung/Seelsorge" reichen—sichtbar.[48]

Ab 1416 nahm Petrus mit Nikolaus Seyringer, mit dem er gemeinsam 1403 von der Universität Wien nach Subiaco aufgebrochen war, am Konstanzer Konzil teil und stand dort wohl auch mit Nikolaus von Dinkelsbühl in Gedankenaustausch was die Reform der Klöster betraf. 1418 begleitete er Nikolaus Seyringer nach Melk. Hier übernahm er mit der Reform bis 1424 das Amt des Priors; ab 1423 war er auch *cursor biblicus* und *magister studentium.* Die Tätigkeit als Cursor biblicus fand schriftlichen Niederschlag in seinem „Hauptwerk", im *„Roseum memoriale divinorum eloquiorum"*, das er, wie die Vorbemerkung berichtet, im Jahr 1423/1426 im Auftrag des Kardinals Giulio Branda di Castglione verfasst hat.[49] Dabei ist sicherlich zu bedenken, dass seine Arbeit an sich Ergebnis seiner Lehrtätigkeit gewesen ist. In 1194 Distichen hat er den Inhalt jeweils eines Kapitels der einzelnen biblischen Bücher (ohne Psalmen) mnemotechnisch aufbereitet, und er gibt auch einen Schlüssel, wie die einzelnen Kapitel jeweils mit dem Anfangsbuchstaben ihres 1., 3. und 4. Wortes aufzufinden sind. Zahlreiche handschriftliche Überlieferungen, wie auch Auszüge in lateinischer und deutscher Sprache belegen nicht zuletzt den pädagogischen Wert.[50] Anders wären neben den Handschriften—bis ins beginnende 16. Jahrhundert wurde der Text nach allen Regeln der Kunst

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[48] Johannes Trithemius, *Catalogus de viris illustribus ordinis sancti Benedicti*; interessant ist in diesem Fall der Vergleich der Stelle mit jener Stelle, in welcher Johannes Trithemius einen anderen prominenten Reformer vorstellt, nämlich Johannes Rode: C. CXL, 464: *„Scripsit etiam de regimine abbatis simplicem quidem sermonem, sed utilem affectu tractatum. Et quaedam alia, ad monachorum edificationem exercitia".*

[49] Johannes Trithemius, *De scriptoribus Germaniae* 37r–v, bes. 37v: *„Nicolao Dinckelspuel persuadente et rogante composuit ad dominum Brandam cardinalem sancti Clementis legatum apostolicum in Austria super totus tocius biblie capita, quod prenotavit „Roseum memoriale divinorum eloquiorum".*

[50] Zu Petrus vgl. zusammenfassend Hellmuth Rosenfeld, „Petrus von Rosenheim", in *Die deutsche Literatur des Mittelalters-Verfasserlexikon,* 27 (Berlin, 1989), 518–521.

Fritz Peter Knapp, *Die Literatur des Spätmittelalters*, insbes. 250.

abgeschrieben[51]—die zahlreichen Drucke von 1470, 1489, 1493, 1505, 1510 und mit verändertem Titel sogar von 1524, 1532, 1544, 1570 kaum zu erklären. Die mnemo-technischen Methoden entsprachen insbesondere im ausgehenden 15. und beginnenden 16. Jahrhundert dem Grundsatz, dass die Menge des Wissens in bewältigbare Einheiten unterteilt werden sollte.[52]

Petrus' Lehrtätigkeit veranlasste ihn auch zur Abfassung einer *Vita Metrica Benedicti*;[53] den Inhalt der Regel fasst er im „*Memoriale metricum singulorum capitulorum Regule sancti Benedicti*" zusammen.[54] Wieder einmal greift die Reform Vita und Regula auf, um Normenkataloge daraus abzuleiten. Im Zusammenhang mit seiner Arbeit an der Benediktsregel erwarb er eine Abschrift ebendieser aus dem 12. Jahrhundert, als er versuchte, an möglichst getreue Texte heran zu kommen. Diese Abschrift schenkte er später dem Kloster Tegernsee.[55]

Wie lässt sich dies mit der Frage nach Proprietas-Paupertas vereinbaren? Es ergibt sich daraus das Spannungsfeld, in dem sich in gesteigertem Ausmaße Johannes Schlitpacher befinden würde. Im Rahmen der Lehrtätigkeit verfaßte er einen Compotus. Sein „Bericht" über die Tegernseer Klosterreform aus dem Jahr 1426[56] ist ein lebhaftes Beispiel für die Verknüpfung von Aktualität und Geschichte. Dieser Anspruch wird mannigfach diskutiert und findet in allen Formen der Memorialzeugnisse „Verankerung".[57] Es ist aber nicht der Tegernseer

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[51] Vgl. Petrus von Rosenheim, *Roseum memoriale divinorum eloquiorum* (Cod. Pal. Germ. 110), heute Universitätsbibliothek Heidelberg, Niederschrift um 1500; wohl südwestdeutsch.

[52] Vgl. insgesamt zur „Architektur des Wissens" Steffen Siegel, „Architektur des Wissens. Die figurative Ordnung der *artes* in Gregor Reischs *Margarita Philosophica*", in *Das Bild als Autorität. Die normierende Kraft des Bildes*, ed. Frank Büttner et al. (Münster, 2004), 343–362.

[53] *„Bis bini"—Vita*, Stiftsbibliothek Melk, CM 1646, fol. 327r–342v; zu weiteren Abschriften vgl. Niederkorn-Bruck, *Die Melker Reform*, 62, Anm. 137.—*„Metra de vita S. Benedicti"* in Clm 4423, 123^{v}–128^{v}.

[54] *„Memoriale capitulorum regulae S. Benedicti"* in Clm 4423, 121^{r}–122^{v}; Stiftsbibliothek Melk, CM 704, 3 (Stephanus Burkhardi) fol. 397r, Signatur K 16 (neue Signatur 1603/ 428/ H 47), fol. 327r–328v: *Carmen prosaicus in opus metricum super regula s. Benedicti editum a fratre Petro de Rosenheim.*

[55] *Codices latini monacenses* Clm 18. 103; vgl. dazu Bernhard Bischoff, „Die ältesten Handschriften der Regula Benedicti in Bayern", in *Studien und Mitteilungen zur Geschichte des Benediktinerordens* 92 (1981), 7–16; insbes. 9.

[56] Karl Meichelbeck, *Historia Frisingensis* II, 1 (Augsburg, 1724), 205.

[57] Vgl. dazu aus dem interdisziplinären Ansatz Otto Gerhard Oexle, „Liturgische Memoria und historische Erinnerung. Zur Frage nach dem Gruppenbewußtsein und dem Wissen der eigenen Geschichte in den mittelalterlichen Gilden", in *Tradition als historische*

Text, der diesen Auftrag der Reformer, ihre Anliegen in der historischen Entwicklung zu verankern, deutlich macht. Die Tätigkeit Rosenheims im Kontext der Melker Annalenhandschrift ist wohl nahezu beispiellos. Hier wurde ab 1418 bis in die Mitte des 16. Jahrhunderts hinein eine Liste aller Gäste und Professmönche angeführt. Diese Liste bringt das Anliegen der Reform, Identität durch Erinnerung[58] zu schaffen, deutlich zum Ausdruck. Die Aufgabe des Reformers, Lehrers und „Priors" bringt er letztlich durch seine Predigttätigkeit und in seinen Sammlungen[59] und Einzelpredigten[60] reichlich zum Ausdruck.

Johannes Schlitpacher zählt auch aufgrund der Vielfältigkeit der Aufgaben, die er im Interesse der Reform wahrgenommen hat, zu den prominentesten Persönlichkeiten ebendieser. Dieser Hinweis muss an dieser Stelle genügen. Wohl aber möchte ich mich einem Schwerpunkt seiner Werke und seiner Aufgaben, nämlich dem Fragenkreis um Amt/Lehramt und Charisma, zuwenden: Aufgrund seiner Verantwortung, die er im Zuge der Visitationen und der oft daraus resultierenden Übernahme des Priorats in jüngst visitierten Klöstern zu tragen hatte, ergab sich für ihn selbst immer wieder das „Problem", wie er seiner Aufgabe anhand der Bedingungen, die durch Benedikt formuliert wurden, gerecht werden konnte.

Wie sehr er mitunter kämpft, drücken alle seine Texte bis ins Schriftbild hinein aus: Die verschiedenen Redaktionen des Regelkommentars Schlitpachers bestätigen die mitunter offenbar auch erschöpfende „Spannung", die sich aus einer Anpassung an alle Normen und seinem Wissensbedürfnis ergeben. Diese Arbeit hat der Autor in seiner „peniblen" Art nahezu an die Spitze getrieben, und schließlich auf die Frage zugespitzt nach dem Standpunkt im Spannungsfeld, das sich zwischen „Demut" und Bildung auftut. Immer wieder spricht Schlitpacher die Bedeutung des Rüstzeuges für das Finden des richtigen Weges an; dieses

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Kraft. Interdisziplinäre Forschungen zur Geschichte des früheren Mittelalters, ed. Norbert Kamp et al. (Berlin, 1982), 323–340.

[58] Sozusagen paraphrasierend zu Klaus Schreiner, „Erneuerung durch Erinnerung. Reformstreben, Geschichtsbewusstsein und Geschichtsschreibung im benediktinischen Mönchtum Südwestdeutschlands an der Wende vom 15. Zum 16. Jahrhundert", in *Historiographie am Oberrhein im späten Mittelalter und in der frühen Neuzeit*, ed. Kurt Andermann (Ostfildern, 1988), 35.—Das Anliegen ist identisch.

[59] *Codices latini monacenses*, Clm 13, 567; Zu Petrus vgl. auch Fritz Peter Knapp, *Die Literatur des Spätmittelalters*, 249.

[60] Predigten für bestimmte Stände in *Codices latini monacenses*, Clm 26855. Die Provenienz der Handschrift ist Süddeutschland, kann aber näherhin nicht geklärt werden.

Spannungsfeld wird im Hinblick auf das Bildungsausmaß Schlitpachers durchaus nachvollziehbar. Er gab sich nie mit einfachen Lösungen zufrieden und „stieß" sozusagen an die Grenzen, die seine eigenen Ansprüche ihm gesetzt hatten. Des Bearbeiters innere Spannung, die aus der Angst resultierte, aufgrund der enormen Aufgabe zu scheitern, bestimmte seine Texte. Dies wird im Folgenden im Kontext von „Lesung", Unterricht, Studium und Schreiben analysiert. Dabei soll aufgezeigt werden, wie deutlich diese Spannung sowohl aus dem Text als auch aus dem Schriftbild des Autographs selbst nachvollziehbar wird. In diesem Kampf geht es ihm sehr häufig darum, den Forderungen nach „Erneuerung des monastischen Lebens" einerseits, und der aus der Forderung des *status vitae monasticae* resultierenden Reduktion der Aktivitäten der Mönche andererseits, gerecht zu werden. Man liest in vielen seiner Argumentationen, wie er gleichzeitig wohl eine seiner „Forderungen immer im Gedächtnis hatte": nicht des Schreibens wegen, und/oder um *Auctoritas* zu werden, sondern der Inhalte wegen zu schreiben ist sein Ziel: die Inhalte den Text bestimmen zu lassen. Nicht um zu zeigen, dass man die Kunst der Rhetorik an sich beherrscht, sondern um die rhetorischen Mittel einsetzen zu können, soll man die maßgeblichen Texte, etwa Cicero, kennen:[61]

> *Scribit enim de se ipso b. Ieronimus, quomodo verberatus in visu, quod plus delectabatur in eloquentia Ciceronis quam in simplicitate stili sacre scripture, quorum similes hodie multi christiani et monachi inveniuntur, qui inanis glorie cupidi ut optimi rhetores reputentur legunt libros venustate verborum fultos pro morum instructione* . . .[62]

Er diskutiert das Thema vor allem auf die Gemeinschaft bezogen und fordert, sich auf Petrus Boerius berufend, dass Mönche, die außerhalb des Klosters für das monastische Leben unnütze Texte gehört haben, diese nicht im Kloster besprechen sollen.[63] Unter diese Texte zählt er sowohl naturwissenschaftliche als auch medizinische. Es ist eine enorme Spanne, die sich hier zwischen der Lektüre des Einzelnen und der Textkenntnis der Gemeinschaft auftut. Diese Spanne zeigt auch, dass wir das Wissen

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[61] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 48, CM 753, fol. 387v.

[62] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 48, CM 753, hier insbes. fol. 387v.

[63] Schlitpacher, *Postilla Regulae*, Kommentar zu Kapitel 48, CM 753, fol. 395r: *„dicit autem beatus Benedictus, lectiones sanctas ut excludat vanas et inutiles et relligiosis ineptas, ut phisicam et medicinam et legalem"* // fol. 95r: *„Has quidem ut dicit Petrus Boerius relligiosus [!] extra claustrum audiens et ipse facto excommunicats nisi infra mensem ad claustrum redierit, reversusque in choro, capitulo, mensa et ceteris ultimus fratrum erit, et nisi forte ex misericordia apostolice sedis spiritus promotionis".*

der Gemeinschaft maßgeblich von der Kenntnis der „Spezialisten", etwa des Infirmarius, unterscheiden müssen. Dies macht noch einmal die Bedeutung der „discretio", des Kennens des richtigen Maßes, deutlich.

Die Arbeit Schlitpachers lässt die Diskrepanz deutlich spüren, in die er sich zwangsläufig gestellt sieht: Einerseits sein Bildungsauftrag als „Lehrer", den er nicht nur unmittelbar nach seiner Ankunft in Melk wahrgenommen hat; andererseits seine Pflicht, als Prior das umzusetzen, was die Normen sagen. Diese finden sich in der Benediktsregel selbst, bei den zu ihrer Interpretation herangezogenen Autoritäten; nicht zuletzt ist ihm auch der Text des Petrus von Rosenheim—*de statu vitae monasticae*—aufgrund dessen Prominenz bekannt. Interessanterweise zitiert er aber in jenem Abschnitt, in dem er auf die *essentialia monasticae vitae* im Rahmen des Kommentars zur Benediktsregel eingeht, gerade diesen Text nicht,[64] obwohl er in den Bibliotheken der Reformklöster mannigfach überliefert war. Dies fällt umso mehr auf, da er etwa in der Diskussion um das Verbot des Fleischgenusses in seinem Handbuch sehr wohl notiert, dass es sich bei der Sammlung um „*Excerpta ex notatis Petris de Rosenheim Mellicensis, de esu carnium in regula s. Benedicti prohibito*", handelt.[65] Aufgrund der mitunter sehr engen Interpretation des Petrus wäre der neue Weg Schlitpachers so nicht möglich gewesen.

Hier wird gezeigt, wie *paupertas* und *oboedientia* Johannes Schlitpacher vor besondere Herausforderungen stellen. Denn in diesem Kontext diskutiert er jeweils die Verantwortung der Mönche hinsichtlich der erweiterten Aufgabenbereiche auch in Bezug auf die zunehmend wachsende Lektüre. Es geht nicht nur, wenn jedoch auch vorrangig, um die Lektüre der Hl. Schrift, sondern ebenfalls um andere Texte, die nunmehr tatsächlich auch „gelesen" werden, da man die Kenntnis ihrer Inhalte für ein verantwortungsvolles „Behandeln" verschiedener Bereiche benötigt—in erster Linie im Rahmen des Lernens. Petrus von Rosenheim selbst hat die Tugend des Mönches auf Gebet, Lesung, Meditation und damit verbundene Kontemplation, Fasten und Wachen konzentriert. Alle Dinge, die im Zusammenhang mit „Lesung" behandelt wurden, wurden bei Schlitpacher zum Paradethema schlechthin.[66] Dabei hat er vorrangig die

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[64] Johannes Schlitpacher, *Postilla regulae*, CM 753—zu Kap. 33, am rechten Rand vermerkt Schlitpacher: Nota bene—insbes. fol. 270r: *„Ubi sciendum est quod tria sunt essentialia relligiosi status … primum est voluntaria paupertas, …* (fol. 270v) *… secundum est perpetua castitas … tercius est obedientia …."*

[65] Vgl. Stiftsbibliothek Melk, CM 959, fol. 207r–v.

[66] Petrus von Rosenheim, „Sermo de statu vitae monasticae", in *Bibliotheca Ascetica antiqua-nova*, Tomus VIII, ed. Bernhard Pez (Ratisbonae, 1725), 83–94, bes. 85: *„Actus virtutis et regulae obedientiae, scilicet orare, legere, meditari, contemplari, ieiunare, vigilare …"*

Tugend des Schweigens im Sinne des religiösen Lebens behandelt und damit verbunden die Tugend des Zuhörens, das an sich das Zuhören des Mönches während der Lesungen, die Vertiefung in den Text meint. Dieses Schweigen ist aber nicht Ausdruck von „Nachlässigkeit", sondern von aufmerksamem Zuhören: *„Taciturnitas non sit ociosa, des attenta audicio"*.[67] Der akademisch gebildete Lehrer lässt allerdings auch die Gelegenheit nicht vorbei gehen, die Bedeutung des Zuhörens schon auf dem Bildungsweg als klare Bedingung zu formulieren. Die Schüler sollen zuhören—das schreibt ja schon Benedikt. Darauf aufbauend konstruiert er die Bedeutung der Lehrer, der *doctores*. *Doctus* an sich bedeutet „erfahren, gelehrt", die *doctores graduati*, die als Lehrer herangezogen werden sollen, lassen ihn als Person—als *magister artium* kam er ins Kloster—deutlich in den Vordergrund treten. Schließlich beruft er sich auf das Didascalicon des Hugo von St. Viktor, aus dem man erfährt, dass schon …

> *Pictagorus hanc in studiis consuetudinem servasse (legitur), ut usque ad septennium iuxta numerum septem liberalium artium nullus discipulorum suorum de hiis que ab ipso dicebatur rationem poscere auderet sed fidem dare verbis magistri quousque omnia audivisset et subiungit Hugo*[68]*—Scolares vero nostri aut nolunt aut nesciunt modum congruum in discendo servare, et … multos studentes pucos sapientes invenimus …*[69]

Anschließend hebt Schlitpacher durch ein Paragraphenzeichen hervor:

> *Magna satis est confusio discipulis monasticis in scola virtutum sancte religionis (!) studentibus / nolle sequi saltem disciplinam gentilium discipulorum, qui ob amorem scienciaum liberalium tam longevam taciturnitatis sustinuerunt patientiam.*

Offenbar hat der Lehrer—wohl nicht erst im Kloster—immer wieder die Ungeduld des Fragenden bedauert, der bereits fragt, ohne den Inhalt, der ihm vermittelt werden soll, abwarten zu wollen. Nun ist der pädagogische Grundsatz hier nicht zu diskutieren. Allerdings erinnert dieser Abschnitt, wie viele andere in diesem umfassenden Werk, an den Weg, den Unterricht damals nehmen musste—die *Disputationes* gewannen zunehmend, auch außerhalb der „Lehreinheiten", an Gewicht. Man diskutierte und hinterfragte zunehmend; deshalb sollte die Sicherung des

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[67] Schlitpacher, *Postilla Regulae*, CM 753, zu Kapitel 6, fol. 95r.

[68] Im Autograph (CM 753) ebenso unterstrichen wie die Passagen aus der Benediktsregel selbst.

[69] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 6—*De taciturnitate*—CM 753, fol. 120v–121r.

Wissens in der Tradition einerseits, und andererseits fundiertes Wissens des Lehrers—*doctor graduatus*—gewährleistet sein, denn in den *disputationes* stellte man sich einer Hinterfragung des eigenen Standpunktes.

So gesehen wird man sicher die Aussage von Fritz Peter Knapp, dass „weder der Frühhumanismus noch Hof und Kanzlei auf das geistige Leben des Klosters Melk und die von hier ausstrahlende Reform einen nennenswerten Einfluß ausgeübt haben",[70] doch zumindest überdenken müssen, wenn man berücksichtigt, wie viele Kontakte allein durch das Netzwerk der Visitationen, noch mehr durch das Netzwerk der Gastmönche und schließlich durch Studierende geschaffen wurden. Für die erfolgreiche Suche nach Texten waren jene Kontakte am wichtigsten, die sich aufgrund der Ausbildung an den Universitäten ergeben hatten. Die Erneuerung des Ordenslebens im Zuge der Visitationen, im Zuge der „Reformkreise", konzentrierte sich, zumindest zunächst, auf ordensspezifische Texte. Die Auseinandersetzung mit den Sammelhandschriften,[71] die im Zuge von Reformaufenthalten angefertigt wurden, und die als Handbücher der Reformer zu bezeichnen sind (wie etwa das Handbuch Schlitpachers), lassen allerdings bereits die Vielfalt der Interessen der Visitatoren erkennen. Und diese Vielfalt steigert sich in dem Maß, in dem vermehrt Studierende und Absolventen der Universitäten in die Klöster kommen.

4. *Die neue Dimension des „Schreibens"*

Wir wollen uns hier nicht den gesellschaftlichen Aspekten der Schriftbeherrschung von Klerikern und Laien, sondern der Bedeutung der Schriftbeherrschung für den Klerus im Kloster zuwenden. Auch hier stellt sich die Frage, wer sich mit einem Text beschäftigen darf, immer im Zusammenhang damit, um welchen Text es sich handelt und wer sich mit welchem Text auseinandersetzen möchte. Texte für Gottesdienst, Tischlesung und andere gemeinsame Lesungen, deren Kanon aus Bibel, Vitaspatrum, Martyrolog und Normen besteht und damit fest umrissen ist, werden kaum diskutiert, weshalb vorrangig auf den Vortrag eingegangen wird. Die Tischlesung stellt dabei einen besonders oft diskutierten, offenbar kritischen Bereich dar: Nicht nur die Lektüre an sich, sondern auch

[70] Fritz Peter Knapp, *Die Literatur des Spätmittelalters in den Ländern Österreich, Steiermark, Kärnten, Salzburg und Tirol von 1273 bis 1439* (Graz, 2004), 260.

[71] Als Beispiel sei hier auf CM 1094 verweisen.

die Bedeutung, die dem „Vortrag“ zukommt, wird hier durch Johannes Schlitpacher angesprochen,

> *ut autem utiliter fiat huiusmodi lectio necessarium es tut prius prevideatur et ita distinctius et magis intelligenter recitetur et audientium profectum et edificationem . . . . . male vero legens, male pronuncians in pausis, in accentu in brevibus et longis in amissione, in adiectione, in mendosa pronunciatione non solum fratres audientes non edificat verum etiam murmurandi vel querulandi causam vel occasionem prestat . . .*[72]

Dabei ist er sich eines besonderen Problems seiner Gegenwart bewusst, wenn er nicht nur die „Achtsamkeit“ des Vortragenden—*de lectore hebdomadario*[73]—im Lesen und die Aufmerksamkeit der Zuhörenden an sich einfordert, sondern darüber hinaus auch expressis verbis die Forderung anspricht, dass man nichts anderes hören solle, als die Worte der Lesung—auch keine Musikinstrumente.[74]

Schreiben, so meint man in einer Zeit, in der Alphabetisierungs programme als ein wirklich dauerhafter Weg zur Verbesserung der Situation der Menschen angesehen werden, könne nur positiv besetzt sein. Um so mehr überrascht es, wenn im späten Mittelalter andere Stimmen ebenfalls wahrnehmbar sind. Warnungen werden besonders hinsichtlich unkontrollierter Lektüre ausgesprochen. Im konkreten Fall handelt es sich um einen Text des Jean Gerson, „*De laude scriptorum*“,[75] in dem er u. a. auch Bedenken gegen die Benutzung von Schriften, insbesondere der Hl. Schrift, durch Laien äußert, die keine entsprechende Vorbildung besitzen. Da alle das Lesen und das Schreiben erlernen können, nimmt er hier eine besondere Gefahr wahr—und steht damit nicht allein. Das Bedenken, den Text der Schrift allen ohne Erläuterung zuzumuten, wurde zu einem Zankapfel zwischen Protestanten und Katholiken und führte zur „heftigen Einforderung“ seitens Luthers und der allgemein protestantischen Bewegung der „Schrift für die Laien“, die zu einer Befreiung von der Bevormundung durch den Klerus führen sollte.[76] Es ging dabei nicht nur

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[72] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 38—*De ebdomadario lectore*, CM 753, fol. 296v–309v; hier bes. 297r.

[73] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 38—*De ebdomadario lectore*, CM 753, fol. 296v–297.

[74] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 38—*De ebdomadario lectore*, CM 753, fol. 296v–309v; hier bes. fol. 296v.

[75] Zitat nach Bayerische Staatsbibliothek München, 2 Ink. c.a. 2258c, pars 1 (digital: BSB-Ink. G-184).

[76] Zur Problematik allgemein Falk Eisermann, „Gescheiterte Laienbildung? Das Kleine Empyreal des Wilhelm von Velde“, in *Laienlektüre und Buchmarkt im späten Mittelalter*

um den Text, es ging auch um die Übersetzungen, die oft mehr als mangelhaft angefertigt wurden und oft noch mangelhafter gedruckt wurden.

Im späten Mittelalter, und vorrangig möchte ich mich jetzt wieder dem 15. Jahrhundert zuwenden, ist die Frage nach der Sprache eines Textes sehr aktuell und blieb so von Seiten der Geistlichkeit und auch vom Mönchtum nicht unbeachtet.

Allgemein vorauszusetzen ist die Kenntnis der Hl. Schrift, der wichtigsten Texte der Kirchenväter und auch anderer normativer Texte. Soweit diese Texte nicht ohnehin von den Mitgliedern des Klosters selbst gelesen werden können, ist ihnen der Inhalt dieser Texte in regelmäßigen Abständen „nahe zu bringen". Sehr früh, bereits im Zuge der karolingischen Reform, beschäftigte man sich mit der Frage, wie man normative Texte in Übersetzung „als Wissensstoff" speichert. Denn, da es sich um Normen handelt, sollten diese „verstanden" werden. Die Übersetzung der Benediktsregel, die in St. Gallen abgeschrieben, wohl aber auf der Reichenau im frühen 9. Jahrhundert ursprünglich entstanden ist, ist ein oftmals behandeltes Beispiel;[77] in diesem Kontext sei auch auf die ebenfalls sehr früh aufgezeichneten *Pater noster* und *Credo*-Übersetzungen hingewiesen, sowie auf das Reichenauer Georgslied[78] und das Petruslied aus Freising.[79]

Johannes von Kastl (ca. 1370–nach 1426)[80] hält in seiner Übersetzung der *Regula monacharum* des Hieronymus fest, dass er mitunter frei übersetzen musste, da er sonst den Sinn des Textes nicht getroffen hätte.[81]

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ed. Thomas Kock et al. (Frankfurt/Main, 2001), 109–127. Allgemein auch Simone Brücke, *Humanistische Laienbildung um 1500. Das Übersetzungswerk des rheinischen Humanisten Johann Gottfried* (Göttingen, 2001).

[77] Vgl. Peter Ochsenbein, „Latein und Deutsch im Kloster St. Gallen", in *Geistesleben am Bodensee im frühen Mittelalter*, ed. Achim Masser und Alois Wolf (Freiburg i.Br., 1983), 107–122; ND in Peter Ochsenbein, *Cultura Sangallensis. Gesammelte Aufsätze zu seinem 60. Geburtstag*, ed. Ernst Tremp et al. (St. Gallen, 2000), 116–130; bes. 119.

[78] Vgl. Peter Ochsenbein, „Latein und Deutsch im Kloster St. Gallen", 107–122; ND 116–130; bes. 126.

[79] Ingeborg Neske, „Petruslied", in *Deutsche Literatur des Mittelalters*, ed. Bayerische Staatsbibliothek München (München 2003), Nr. 6, 26.

[80] Vgl. zur Bedeutung des Johannes von Kastl zusammenfassend Josef Sudbrack, „Johannes von Kastl", in *Lexikon des Mittelalters* (München und Zürich, 1991), 5: 583–584. Vgl. zum Kontext auch den Band von Klaus H. Schreiner (Hg.), *Laienfrömmigkeit im späten Mittelalter. Formen, Funktionen, politisch-soziale Zusammenhänge* (Schriften des Historischen Kollegs; Kolloquien 20), München 1992.

[81] *Codices germanici monacenses (Cgm)*, Bayerische Staatsbibliothek (München), 806, fol. 4v–5r:

> Auch solt ir wissen das offt in der regel voraus in der vorred schoene wolgezierte latain ist, der zir teutsche zungen (fol. 5r) voraus nutzlich und verstentluch nit albeg

Diese Passage ist ein deutlicher Beleg für die Arbeitsweise; der Hinweis auf seine Genauigkeit hinsichtlich Vorlage und Übersetzung hätte sich in den Jahrhunderten davor nicht als nötig erwiesen, wenngleich Texttradition immer ein Thema war. Die Notwendigkeit, die Norm und deren Übersetzung in die Schrift zu bringen, veranlasste auch einen Protagonisten der Melker Reform, Johannes Schlitpacher, dazu, die Benediktsregel in die spätmittelhochdeutsche Sprache zu bringen.[82] In der Vorbemerkung unterscheidet Schlitpacher diese Übersetzung von der Verwendung der Übersetzung für die Laienbrüder; die mündliche Dimension einer sehr viel intensiveren Auslegung lässt er beiseite:

> *Auch zuo pesser verstentnuess des texts wirdt in klainer geschrift ein kurtze glos dapei geschriben, zuo underweisung slechter pruoder. Wann ein vollige ausslegung der Regel so mundigkleich geschechen durch ein underweiser der laypruder, di hie von kuertz und anders ach wegen wirdt ausgelassen.*[83]

Die Bedeutung der Sprache, die vor allem auch in der Betonung der alten Sprachen wie des Hebräischen und des Griechischen ganz besonders ersichtlich wird, möchte ich lediglich an einem weiteren Beispiel ausführen, da es in seiner Verankerung ganz besonders aussagekräftig ist. In einer im dritten Viertel des 15. Jahrhunderts geschriebenen Sammelhandschrift[84] befinden sich auf dem Vorsatzblatt verschiedene zentrale Stellen aus der Bibel, die interessanterweise in hebräischer Sprache und hebräischen Buchstaben, in griechischer Sprache und griechischen Buchstaben und in spätmittelhochdeutscher Sprache als Paralleltexte wiedergegeben werden, nicht aber in lateinischer Sprache. Es handelt sich um *„Got dein Herr pin ich / pin was ich pin“*. Die Inschrift für das Kreuz Christi wird in Hebräisch und Griechisch sowie in der spätmittelhochdeutschen Übersetzung *„Iesus Nazarenus, der kunig der iuden“* interlinear zwischen dem hebräischen und griechischen Text gesetzt. Dabei wurde darauf geachtete, die deutschen Worte tatsächlich genau über die griechischen Worte zu stellen. Anschließend folgt eine Stelle aus dem Epheserbrief, die allerdings nur mehr in griechischer Sprache und in spätmittelhochdeutsch eingetragen

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hat mugen oder begreyffen. Darumb ich ettwa mer dy maynung wenn dy wort hab muessen nehmen, wenn mich pesser bedunckt den waren sn mit lauteren claren wortten zu seczen …

82 Stiftsbibliothek Melk, CM 278.

83 Stiftsbibliothek Melk, CM 278, fol. 119r.

84 Pseudo-Hieronymus, *Regula monacharum (dt.). Johannes von Kastl u.a.*, Bayerische Staatsbibliothek München, Cgm 806. Zu den im Folgenden besprochenen und zitierten Texten fol. 1r.

wurde: *„Secht wie ir sicher get. Nit als dy unweisen, sunder als dy weisen. Erloeset dy zeit, wenn dy teg sein poes“.* Es bleibt hier die Frage zu stellen, ob dem Autor bzw. dem Schreiber der Wortlaut im Lateinischen so geläufig, oder gar geläufiger als das Spätmittelhochdeutsche war, dass er auf das Lateinische gänzlich verzichten konnte.

Schließlich aber hat man den Text *„In dem namen des Herrn Iehsu Christi“* in griechischer Sprache, die griechischen Buchstaben mit roter Tinte, dann das Griechische mit lateinischen Buchstaben und darunter die spätmittelhochdeutsche Übersetzung jeweils in schwarzer Tinte geschrieben. Unmittelbar daran anschließend folgt ein Text über den Gehorsam gegen Gott in spätmittelhochdeutscher Sprache. Man hat hier eine Seite vor sich, die anschaulich den Umgang mit Sprache, das Wissen über die Bedeutung der Tradition der Sprachen, vermittelt. Die hier behandelten „Passagen“ sind keineswegs auf einem freien Rand, sondern offenbar völlig geplant hier eingetragen, denn der „Text“ vom Gehorsam beginnt etwa auf dem zweiten Viertel der Seite. Deutlich ist auch, dass die „Passagen zum Gottesnamen“ und der Beginn des Segenswunsches von einer Hand, höchstwahrscheinlich auch ohne nennenswerte Unterbrechung, geschrieben wurden.

Die Themen Lehren und Lernen bringen immer wieder die Frage nach den Möglichkeiten der Buchverwendung auf; nicht überraschen wird daher, dass Lesestoff und Schreibwerkzeug bei Schlitpacher wiederholt im Vordergrund stehen, so auch erwartungsgemäß im Zusammenhang mit der Besitzfrage

> *… neque aliquid habere proprium … nullam omnino rem, quantumcumque vilis aut parva fuerit et … neque codicem, id est librum ad legendum, neque tabula ad scribendum in eis aliquid de lectione aut alie memorie comendndum, neque grafium quo scribitur.*[85]

Der allgemeine Lektürekanon stellt kein Problem dar, er wird kaum thematisiert; ein Problem dagegen verursachte immer wieder die Frage, inwieweit darüber hinausgehend auch Texte der Wissensliteratur verwendet werden dürfen. Durch die aufgrund ihrer wegweisenden Funktion wertvollen Texte, die Wissen um Norm und Inhalt des Lebens transportieren, wird die Forderung nach der *lectio* abgedeckt. Diese Texte dürfen und sollen die Mönche lesen, kommentieren und auch selbstständig neue verfassen und schreiben; immer vorausgesetzt, dass sie

[85] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 33—*De proprietate*, CM 753, fol. 270r.

intellektuell tatsächlich dazu imstande sind. Seine Meinung formuliert Schlitpacher unter Berufung auf Augustinus—*qui nescit partes invanum tendit ad artes*—deutlich.[86] Problematischer wurde es immer dann, wenn es um Texte geht, die mit der monastischen Disziplin an sich und mit den damit verbundenen Denkfeldern nichts zu tun hatten: Texte also, die Wissen transportieren, das zwar zum Kanon der *artes* gehört, aber in seinen Inhalten das Denken durchaus in falsche, vor allem nicht mehr kontrollierbare Bahnen lenken könnte—*Ergo procurandi sunt libri sacrarum scipturarum ex quibis accipiantur tela firmissima arma adversus hostes visibiles hereticos et invisibiles* . . . Nach der schon dargestellten Passage über die sorgfältige Behandlung der Bücher, setzt Schlitpacher fort: *„Ad hoc additi multi exempla philosophorum gentilium, doctorum saeculorum*".[87] Diese Bücher sind aber, und das sprach Schlitpacher schon kurz zuvor deutlich an, nicht dazu gedacht, der persönlichen Eitelkeit zu dienen.

Ein Textbeispiel soll hier Schlitpachers Arbeitsweise verdeutlichen. Wir besitzen im Codex Mellicensis das Autograph Schlitpachers der *Postilla regulae*. Ausgehend vom Schwerpunkt des Beitrages wird ein Abschnitt aus dem Kapitel 6—*De taciturnitate*—hier analysiert. Dafür wird dem Autograph eine Abschrift des Regelkommentars, die aus dem letzten Drittel des 15. Jahrhunderts stammt, gegenübergestellt, um zu zeigen, wie rastlos die Bearbeitung Schlitpachers an seinem Werk selbst war und wie „statisch" sich die Rezeption demgegenüber ausnimmt.[88]

> *Nam loqui etc.—Hic tertio assignat b. Benedictus causam curare concedatur discipilis loquendi licenciam ex condicione status ipsorum* . . . .
>
> *Nam loqui et docere magistrum condecet* <u>*scilicet ex*</u> [*die beiden unterstrichenen Worte sind nachträglich gestrichen*] *id est abbatem et prelatum* [*es folgt als Verweisungszeichen ein horizontaler Strich, der zweimal vertikal durchstrichen wurde; dieses Verweiszeichen findet sich am linken Rand wieder: et quemcumque alium*] *qui ex statu sui officii habet* <u>*loquendi et*</u> [*die unterstrichenen Worte wurden nachträglich gestrichen*] *docendi*

[86] Schlitpacher, *Postilla regulae*, Kommentar zu Kapitel 6—*De taciturnitate*, CM 753, fol. 95r.

[87] Schlitpacher, *Postilla regulae*, CM 753, fol. 388v.

[88] Es werden hier nicht die editorischen Grundsätze des Anmerkungsapparates mit Anmerkungen in Buchstaben und Zahlen verwendet, weil durch die Gegenüberstellung im Kontext die Arbeitsweise besser verdeutlicht werden kann.

auctoritatem. Coniungit autem illa duo b. Benedictus loqui et docere, per hoc insinuans, quod loqui debeat ut doceat.[89]

In einem Kommentar im Autograph setzt er selbst fort: Non enim magistri verba debent esse sine doctrina. Dabei zeigt sich, dass im Autograph mitunter die Gedanken noch weiter ausgeführt werden—wie am Textbeispiel verdeutlicht werden konnte. Der Autor setzt beim Schreiben und Bearbeiten alle Mittel ein, die ihm schrifttechnisch zur Textbearbeitung und zur Kennzeichnung dessen, was ihm wichtig ist, zur Verfügung stehen. Dazu gehören nicht nur die unterschiedlichen Schriftgrößen, sondern auch die Wahl verschiedener Schriftformen. Das soll hier an wenigen konkreten Punkten aufgezeigt werden: Der Text der Benediktsregel ist sehr viel sorgfältiger und größer geschrieben als der Kommentar. Die Buchstaben im Mittelband sind beinahe so hoch wie Mittelband und Oberlänge aus der Kommentarschrift. Der Text der Regel selbst wird überdies auch unterstrichen. Unterstreichungen erfolgen allerdings auch im Kommentar immer dann, wenn der Autor etwas herausheben möchte, etwa den Namen einer *auctoritas* oder einen Werktitel.

Ebenso wichtig sind jene Elemente, die im Autograph der Textbearbeitung dienen. Schlitpacher hat nicht nur sehr oft, wenngleich nicht völlig konsequent, die Namen der im Kommentar zitierten Auctoritates jeweils an den linken oder rechten Rand neben den Schriftblock gesetzt. Die Namen werden sehr oft auch durch ein Schlagwort aus dem Titel des Werkes ergänzt. Diese Methode, die der Orientierung im Text dient und diese auch enorm erleichtert, ist aufgrund der nicht sehr ausgeprägten Übersichtlichkeit im Schriftbild des Autographen durchaus begrüßenswert. Dennoch wurde sie in die Fassung, die aus München vorliegt, nicht übernommen. Ebenso hat man hier auf die Unterstreichung der Textpassagen nahezu vollständig verzichtet. Hier gibt es lediglich sparsam gesetzte Hinweise, die als „Nota" an die äußeren Ränder der zweispaltig geschrieben Niederschrift gesetzt wurden.

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[89] Vgl. *Codices latini monacenses*, Clm 21111, fol. 47ra. Zu beachten das Verweisungszeichen: Der Text am linken Rand ist eine Spur sorgfältiger geschrieben und wohl auch Ergebnis einer ersten Bearbeitung des Kommentars. Dieser Kommentar wurde in die Abschrift, die in der Handschrift clm 21 111 vorliegt, aber auch in weitere Bearbeitungsstufen des Regelkommentars übernommen: *Unde glossa super ad Epheseos 4: Alios pastores et doctores dicit. Ideo coniunxit quos tamquam unum aliquid duobus nominibus cpmplexus est, ut intelligerent pastores ad officium suum pertinere doctrinam. Pastor enim non est nisi habeat doctrinam qua pascat gregem.*

Die im Folgenden besprochene Passage befindet sich auf Folio 119v oben und Anmerkung am linken Rand:[90]

Das Motto—*otiositas inimica est animae*—ist im Rahmen seiner verschiedenen Fassungen des Kommentars zur Benediktsregel jeweils ausführlich behandelt worden, in der Postilla regulae auf insgesamt 14 Seiten. Dieses Motto ist für ihn offenbar im Kontext von Verfassen und Schreiben ein Argument gegenüber anderen und wohl auch gegenüber sich selbst. Anderen gegenüber musste er sich allerdings nicht rechtfertigen; sich selbst gegenüber verspürte er diese Notwendigkeit offenbar schon.

Die Postilla regulae (Melk, Cod. 753) verrät in ihrer Niederschrift die enorme Spannung, unter der der Schreiber stand. Dass dies auch in der Niederschrift nachvollziehbar sein kann beruht darauf, dass Autographe oft nicht gefilterte—disziplinierte—Bilder des Arbeitens in ihrem „Layout" bieten.

Er war offenbar geradezu von einer Schreibwut erfasst; nicht zuletzt deshalb wird von ihm immer wieder die Berechtigung des zur Textproduktion fähigen Mönches, solche Texte auch zu verfassen, thematisiert. Die Niederschrift selbst zeigt uns den „selbstverständlichen Umgang" des Schriftgewohnten mit verschiedenen Schriftformen, sie zeigt uns aber auch die Systematik und das Bemühen, möglichst viel auf die Seite und in den Text zu packen. Er benützte für diese Arbeit nicht nur besonders alte Texte, er brachte in die Arbeit auch eine karolingische Regelhandschrift ein, die Jean Mabillon in St. Ulrich und Afra vorgefunden hat.[91] Man erinnere sich an den Regeltext, den Petrus von Rosenheim verwendete und dem Kloster Tegernsee zum Geschenk machte.

Otiositas läßt er allerdings nicht zu—er datiert in akribischer Form den Beginn und das Ende seiner Textarbeit; mitunter gibt er auch die Tageszeit an, zu der er begonnen und zu der er eine Arbeit beendet hat; er gibt sich und den anderen damit Anhaltspunkte für sein Arbeitstempo.

Die *Essentialia monasticae vitae*, die Angaben zur Position des Abtes und die „Biographien" lassen durchaus deutlich werden, wie dieses Leben im Spannungsfeld steht: zwischen dem Anspruch, ein an der Regel absolut orientiertes mönchisches Leben zu führen und den tatsächlichen

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[90] Johannes Schlitpacher, *Postilla regulae*, CM 753, fol. 119v, 120r.

[91] Rolf Schmidt, *Reichenau und St. Gallen. Ihre literarische Überlieferung zur Zeit des Klosterhumanismus in St. Ulrich und Afra zu Augsburg um 1500* (Sigmaringen, 1985), 105–106; bes. Anm. 17. Vgl. Johannes Mabillon, *Veterum Analecta*, Tomus IV, Paris 1675, 457. Martin Gerbert, der im *Iter Alamannicum* berichtet, auch St. Ulrich und Afra besucht zu haben, hat diesen Text offenbar nicht mehr gesehen.

„Anforderungen aus ihrem Leben heraus". Vor allem der Werkkatalog der Autoren lässt daran keinen Zweifel, denn es werden neben der mnemotechnisch gestalteten Arbeit über den Inhalt der Bibel ebenso Leitlinien für die Durchführung der Reform, exzessive Arbeit am Regeltext und schließlich alle Beweise der Gelehrsamkeit geboten.

Die Diskrepanz zwischen dem, was einerseits die in den Normen seit jeher formulierten Anliegen des Mönchtums in allen ihren möglichen Verknüpfungen eigentlich sind—*oboedientia, humilitas, paupertas, . . . discretio* und *charisma* und andererseits dem Anspruch, durch Wissen die Basis zu untermauern und damit dem Anspruch nach wissenschaftlichen Methoden zu genügen, wurde durch Johannes Schlitpacher in seinen Regelkommentaren in hervorragender Weise erläutert. Schlitpacher bedient sich damit einer Methode, die für die Historiographie und Hagiographie mehrfach verwendet wurde: mit dem „Griff in die Vergangenheit" tritt man „zum Beweis aktueller Ansprüche" auf.[92] Dafür bediente sich Schlitpacher seiner im Zuge der Ausbildung an der Universität erworbenen Methoden und ist damit ein Vertreter der Generation, die „Neues aus bewährter Basis" für einen Aufbruch in die Zukunft des Klosters gewinnen wollte und konnte.

[92] Hans-Werner Goetz, „Geschichte als Argument: Geschichtsschreibung als historischer Beweis eigener Ansprüche und Überzeugungen", in *Geschichtsschreibung und Geschichtsbewußtsein im hohen Mittelalter*, ed. Hans-Werner Goetz (Berlin, 1999), 311–320; bes. 313.

„. . . DEN SEELEN HELFEN“. NEUES UND TRADITIONELLES IN DER SPIRITUALITÄT DES IGNATIUS VON LOYOLA UND DER ERSTEN JESUITEN

Marianne Schlosser

Das 16. Jahrhundert ist noch einmal eine große „Zeit der Orden“, Klaus Schatz zufolge,[1] das letzte Jahrhundert, das im großen Stil schöpferisch war—nicht so sehr im Hinblick auf eine praktische Vielfältigkeit, wie sie die im 19. Jahrhundert entstehenden Kongregationen zeigen, sondern in der Ausprägung unverwechselbarer spiritueller Profile. Im kontemplativen Bereich denkt man sogleich an den teresianischen Karmel, im apostolischen Bereich an die Jesuiten als die erfolgreichste unter den verschiedenen Gründungen „reformierter“ Kleriker-Gemeinschaften.

Der folgende Beitrag will in einem ersten Abschnitt einige Quellen jesuitischer Spiritualität aufzuzeigen und in einem zweiten Abschnitt das Selbstverständnis des jungen Ordens nach der *Formula Instituti* (1540) skizzieren. In einem dritten Abschnitt sollen zwei geistlich-pastorale Handbücher vorgestellt werden, welche die aus dieser Wurzel erwachsende seelsorgliche Tätigkeit der frühen Jesuiten spiegeln.

1. *Quellen der Spiritualität*

Es ist unumstritten, dass die Gründung der Gesellschaft Jesu als etwas „Neues“ empfunden wurde. Dies betraf nicht nur den Namen der Gemeinschaft, sondern vor allem den bewussten Verzicht auf Komponenten, die bis dahin als kennzeichnend für das Ordensleben galten: das spezifische Ordensgewand, die Klausur und das gemeinsame Chorgebet. Auch die Gemeinschaft selbst hatte offenbar ein klares Verständnis von ihrer eigenen Identität, was sich besonders an der Bestimmung ablesen lässt, keine Kandidaten aus anderen Orden aufzunehmen, um keine „Konfusion“ zu

[1] Klaus Schatz, „Ordensleben. Die evangelischen Räte im Zeitalter der Reformation“, in *Ignatius von Loyola und die Gesellschaft Jesu 1491–1556*, ed. Andreas Falkner und Paul Imhof (Würzburg, 1990), 109 f.

riskieren.[2] Ob tatsächlich eine Berufung in die Gesellschaft Jesu vorliegt, muss vielmehr—so bestimmen es die *Satzungen*—über eine geraume Zeit hinweg und sehr genau geprüft werden.[3]
Ebenso unübersehbar ist aber auch, dass Ignatius' Entwicklung, und damit auch das Profil der Gesellschaft Jesu, inspiriert ist von der Geistigkeit anderer Orden und zwar vornehmlich von mittelalterlichen Quellen.[4] Davon zeugen vor allem der autobiographische *Bericht des Pilgers (BP)*, unter bestimmter Hinsicht aber auch die *Geistlichen Übungen (GÜ)*.[5]

Der *Bericht des Pilgers* zeichnet den inneren Werdegang von Inigo-Ignatius nach.[6] Einige vertraute Gefährten, besonders Jeronimo Nadal (1507–1580) und Juan Alfonso de Polanco (1517–1576) baten Ignatius—vor

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[2] Text α des *Examen* (ca. 1546) in *Gründungstexte der Gesellschaft Jesu*, ed. Peter Knauer (Würzburg, 1998), 439.

[3] Das Noviziat dauert zwei Jahre (ein Novum gegenüber anderen männlichen Gemeinschaften); die Zeit bis zu einer definitiven Bindung des Einzelnen an die Gesellschaft, und umgekehrt, ist sehr lang. Das „Examen" (die vor einer Zulassung des Kandidaten zu klärenden Fragen) bildet einen wichtigen Teil der Satzungen.

[4] Mit gutem Recht sieht Miquel Batllori Ignatius als eine Person des Übergangs, dem die Synthese zweier Epochen gelang: „Zwischen Mittelalter und Renaissance. Ignatius im Strom seiner Zeit", in *Ignatius von Loyola und die Gesellschaft Jesu 1491–1556*, ed. Andreas Falkner und Paul Imhof (Würzburg, 1990), 19–30. Ähnlich John W. O'Malley, „Some Distinctive Characteristics of Jesuit Spirituality in the Sixteenth Century", in *Jesuit Spirituality. A now and future resource*, ed. John W. O'Malley, John W. Padberg, Vincent T. O'Keefe (Chicago, 1990), 3: Die frühen Jesuiten schufen „a particular synthesis or mix"; aufschlussreiche Anmerkungen hier auch zum Einfluss des Humanismus, insbesondere des Erasmus: 11–13.—Von den spezifischen Untersuchungen seien nur einige genannt: Heinrich Bacht suchte die Rezeption alter Mönchstradition bei Ignatius aufzuzeigen: Heinrich Bacht, „Die frühmonastischen Grundlagen Ignatianischer Frömmigkeit", in *Ignatius von Loyola. Seine geistliche Gestalt und sein Vermächtnis 1556–1956*, ed. Friedrich Wulf (Würzburg, 1956), 225–261. Ein früher Aufsatz von Hugo Rahner (Erstveröffentlicht in *Zeitschrift für Aszese und Mystik* 17 (1942), 61–77) stellt die Bedeutung der Kirchenväter für Ignatius dar: Hugo Rahner, „Ignatius und die aszetische Tradition der Kirchenväter", in Hugo Rahner, *Ignatius von Loyola als Mensch und Theologe* (Freiburg, Basel and Wien, 1964), 235–250. Differenziert, mit weiteren Literaturhinweisen, besonders Günter Switek, „Die Eigenart der Gesellschaft Jesu im Vergleich zu den anderen Orden in der Sicht des Ignatius und seiner ersten Gefährten", in *Ignatianisch. Eigenart und Methode der Gesellschaft Jesu*, ed. Michael Sievernich und Günter Switek (Freiburg, Basel and Wien, 2. Aufl. 1990), 204–232.

[5] Beides in: *Gründungstexte*, ed. Peter Knauer (Würzburg, 1998), 13–84, 92–289.

[6] Die erste Biographie des Ignatius, das sogenannte *Sumario*, ist in einem Brief von Diego Lainez, dem späteren Nachfolger des Ignatius, enthalten (1547). Juan de Polanco benützte diese Aufzeichnungen für seine Darstellung der Frühgeschichte der Gesellschaft Jesu (1548). Eine deutsche Übersetzung der italienischen Version liegt vor: *Vom Ursprung und Fortschritt der Gesellschaft Jesu*, ed. Provinzialkonferenz der Zentraleuropäischen Assistenz (Frankfurt a. M., 1992). Vergleicht man diese Berichte mit dem *BP*, so ist „trotz dieses Zeitabstandes und der verschiedenen Schreiber eine große Übereinstimmung" festzustellen, so Peter Knauer in seiner Einführung zu Ignatius von Loyola, *Der Bericht des Pilgers*, übersetzt und kommentiert von Peter Knauer (Würzburg, 2. Aufl. 2005), 11.

allem gegen Ende seines Lebens—immer wieder, ihnen doch zusammenhängend seine Lebensgeschichte zu erzählen. Die Autobiographie des Ordensgründers sollte jedoch nicht nur der pietätvollen Erinnerung an den „Vater“ dienen, die Bittsteller waren vielmehr überzeugt, dass die Lebensgeschichte eine unvergleichlich formende Kraft für den weiteren Weg der jungen Ordensgemeinschaft entfalten würde: „Da ich aber wusste, dass die heiligen Väter, die irgendein Mönchsinstitut gegründet haben, ihren Nachfahren wie ein Testament diejenigen Weisungen hinterlassen haben, durch die sie vertrauen konnten, Hilfe zur Vervollkommnung der Tugend zu erfahren, achtete ich auf die Zeit, wo ich günstig P. Ignatius um das gleiche bitten könnte.“[7] Schließlich willfahrte Ignatius ihrem Drängen und erzählte in schlichten Worten Luís Gonçalves da Câmara seine, des „Pilgers“, Geschichte (1553–1555)—nicht eine „Exempelbiographie“, sondern „was alles in seiner Seele bis jetzt vorgegangen sei“.[8] Der erzählte Zeitraum umfasst die Jahre 1521 (Ignatius' Kriegsverwundung) bis 1538 (seine Ankunft in Rom).[9] Der *Bericht des Pilgers* ist gleichsam Modell für den „noster modus procedendi“, den jesuitischen „Weg“, die spezifisch jesuitische Berufung.

Die *Geistlichen Übungen*, bekannt als die *Exerzitien*, gehören zu den wichtigsten Dokumenten der Gesellschaft Jesu, nicht nur in der frühen Zeit. In den *Exerzitien* findet man, mehr als in den *Satzungen*, die „prägende Mitte“, die Grundidee der Gesellschaft Jesu.[10] Das schmale Büchlein, dessen Anfänge in die Zeit von Ignatius' Aufenthalt in Manresa (1522/23) zurückreichen, das Ignatius aber erst 1548 veröffentlichte, enthält gewissermaßen die Quintessenz seines eigenen inneren Weges und der dabei gewonnenen Einsichten, um sie für andere fruchtbar werden zu lassen. Ignatius gab selbst seinen Gefährten—und zahlreichen anderen Personen—die Exerzitien. Sie waren (und sind) verpflichtend für

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[7] *Vorwort* zum *Bericht des Pilgers* von Jerónimo Nadal, 2 v.2f., in *Gründungstexte*, 7. In der Tat bilden Viten in der Spiritualitätsgeschichte eine den Regelwerken ebenbürtige Quelle, vor allem in der monastisch-altkirchlichen Spiritualität (Antonius-Vita, Benedikts-Vita), aber auch noch im Mittelalter (Franziskus-Viten).

[8] *Vorwort* von Luis da Câmara, v.9, in *Gründungstexte*, 9. Man muß daher klar festhalten: Es handelt sich nicht um eine „Autobiographie“, sondern um die Mitteilung „wie Gott den Pilger geführt hat“; vgl. dazu Herbert Alphonso, „Significato della ‚conversazione spirituale' nel senso prettamente ignaziano“, in *La ‚Conversazione spirituale'. Progetto Apostolico nel ‚Modo di procedere Ignaziano'*, ed. Herbert Alphonso (Roma, 2006), 12.

[9] Ignatius erzählte zunächst, etwa eine Stunde lang, danach schrieb Luis da Câmara, teilweise mit Hilfe von Sekretären, das Gehörte nach stichwortartigen Aufzeichnungen und aus dem Gedächtnis nieder.

[10] Schatz, „Ordensleben“, 111; O'Malley, „Distinctive Characteristics“, 2.

jeden, der sich der Gesellschaft Jesu anschließen will. Damit bilden die Exerzitien—so persönlich ihr Vollzug ist—gewissermaßen ein einigendes Band der Formung zwischen allen Mitgliedern der Gesellschaft Jesu.

1.1. *Inspiriert durch Franziskus und Dominikus*

Das Ideal der beiden Bettelordensgründer zog Inigo-Ignatius offenkundig sehr früh an. Als er sich nach seiner Kriegsverwundung und verschiedenen Folge-Operationen auf dem Weg der Besserung befand (1521) und ihm verschiedene Pläne für die Zukunft durch den Kopf gingen, sei ihm immer wieder der Gedanke gekommen: „Was wäre, wenn ich das täte, was der hl. Franziskus getan hat, und das, was der hl. Dominikus getan hat?“[11] Das Leben der beiden Ordensgründer war Ignatius bekannt durch die Lektüre der *Legenda aurea* bzw. dem *Flos sanctorum.* Entscheidend für diese Anziehungskraft war weniger, dass er Verwandte im Franziskanerorden und bei den Klarissen hatte. Vielmehr darf man vermuten, dass er vor allem in der Biographie des Franziskus eine Parallele zu seiner eigenen Biographie erkannte, hatte sich doch der Heilige aus Assisi von einem zunächst recht weltlichen Leben, bezeichnenderweise ebenso wie Inigo mit ritterlichen Idealen!, zur radikalen Nachfolge Christi gekehrt.

Als anziehend und herausfordernd empfand Inigo in erster Linie die Armut der beiden Ordensgründer, besonders die in der Bußgesinnung und der Nachfolge des „arm gewordenen Christus“ begründete Armutsauffassung des hl. Franziskus.[12] Wie dieser machte sich Inigo nach seiner Bekehrung auf die Wallfahrt ins Heilige Land—wo er vorhatte zu bleiben, „um den Seelen zu helfen“. Später sollte die Frage nach der rechten Gestalt der Armut in der Gesellschaft Jesu den Ordensgründer lange beschäftigen: 40 Tage rang er im Gebet um den Willen Gottes in dieser Sache.[13] Ignatius war sich zur Zeit der Abfassung der *Satzungen* der schwierigen Frage bewusst, ob Armut immer dem Apostolat dient. Ebenso klar dürfte ihm die Gefahr endloser Verwicklungen vor Augen gestanden haben, denen der Franziskanerorden in seiner Geschichte nicht entgangen war—hatte doch Ignatius' Sekretär Juan de Polanco im Zuge der Vorarbeiten zu den *Satzungen* nicht nur die nicht-bullierte und die bullierte Regel des Franziskus, sondern auch die einschlägigen päpstlichen Bullen und

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[11] *BP* 7, v.2 vgl. v.4 (*Gründungstexte*, 16f.).

[12] Switek, „Eigenart der Gesellschaft Jesu“ 206: zunächst sei Inigos Bekehrung eine Bekehrung nur zu Armut und Bußwallfahrt gewesen.

[13] *Geistliches Tagebuch* (1544); Text in deutscher Übersetzung in *Gründungstexte*, 349–352.

Dekrete exzerpiert, welche die dornige Armutsfrage der Minderbrüder in immer neuen Anläufen zu lösen versuchten.[14] Dass Ignatius schließlich für die Armut der Profess-Mitglieder und deren Häuser entschied (im Unterschied zu den Kollegien, die feste Einkünfte haben sollten), hatte vier Gründe: die Armut Jesu an erster Stelle, sodann die Armut der Apostel—an deren Stelle er die Gesellschaft Jesu sah: „gesandt“ vom Papst, wie die „Apostel“ von Jesus Christus—das bewusste Vertrauen auf die Vorsehung des Vaters, und den aszetischen Grund der Einübung für den Ernstfall.

Zur Armut der Bettelorden kam als weiterer Zug die seelsorgliche Tätigkeit, vor allem die Predigt: Franziskus und Dominikus sind Wanderapostel; ihre Form der Nachfolge Christi umfasst sowohl die evangelischen Räte wie die Seelsorge. Die Sorge um das Heil der Menschen, durch Verkündigung und Unterweisung, verbindet Ignatius in besonderer Weise mit Dominikus. Später wird er um der Verkündigung willen unter größeren Mühen das Studium auf sich nehmen, und dies selbst einem ausgedehnteren Gebetsleben voranstellen,[15] was durchaus an die Bestimmungen über die Wichtigkeit des Studiums im Dominikanerorden erinnert.

Und schließlich ein Drittes, ebenso Entscheidendes: Beide Bettelorden sind universal-kirchlich tätig, pfarrei-übergreifend, von ortskirchlichen Strukturen nicht begrenzt, vielmehr legitimiert durch die Sendung des Papstes.

1.2. *Faszination durch die Kartause*

Trotz seiner Bewunderung und unbestreitbarer geistlicher Nähe zu Franziskus und Dominikus gibt es keinen Hinweis, dass Inigo daran gedacht hätte, in einen der beiden Bettelorden einzutreten. Statt dessen kam ihm der Gedanke, Kartäuser zu werden: „Und indem er seine Pläne machte, was er tun würde, nachdem er von Jerusalem zurückgekehrt wäre, um immer in Buße zu leben, bot sich ihm an, in die Kartause von Sevilla

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[14] Es handelt sich um die Bullen *Quo elongati* Gregors IX., *Ordinem vestrum* Innozenz' IV., *Voluntariae paupertatis* Gregors X., *Exiit qui seminat* Nikolaus' III., *Exivi de paradiso* Clemens' V.

[15] *BP* 54 und 55 (*Gründungstexte*, 48–49) *BP* 82, vv.3–5 (*Gründungstexte*, 68); Brief 1882 an Antonio Brandão vom 1. Juni 1551 (*Gründungstexte*, 352f.). Ignatius' Briefe füllen in den MHSJ zwölf Bände. Es handelt sich um die umfangreichste Korrespondenz einer Persönlichkeit im 16. Jahrhundert: O'Malley, „Distinctive Characteristics“, 2.

einzutreten, ohne zu sagen, wer er sei, damit sie ihn geringachteten . . . "[16] Sicherlich war für ihn der Kartäuserorden auch mit der *Vita Christi* des Ludolf von Sachsen verbunden. Dieses Betrachtungsbuch über die Evangelien, das man oft nur „den Kartäuser" nannte (und das von einem Franziskaner ins Spanische übersetzt worden war), hatte Inigo auf dem Krankenlager tief beeindruckt.[17]

Doch selbst das strenge Kartäuserleben schien ihm nicht so streng, wie er es damals für sich ersehnte. Inigo wusste offensichtlich, dass außerordentliche asketische Übungen in der Spiritualität der Kartäuser nicht gefördert werden. Dass die Strenge des Lebens in der Kartause nicht in äußeren Übungen besteht, verstand er vermutlich erst später, als er Mittel und Ziel der Buße unterscheiden konnte. Mit den Kartäusern verband Ignatius Zeit seines Lebens eine besondere geistliche Freundschaft.[18] Der Kartäuserorden ist der einzige Orden, mit dem die Gesellschaft Jesu, bereits 1544, einen „Freundschaftsvertrag" geschlossen hat: Beide Orden versprechen einander Gebetsgemeinschaft und Anteil an den jeweiligen geistlichen Gütern. Selbst wenn man nicht so weit geht, zu sagen, Ignatius sei „im Herzen ein Kartäuser gewesen",[19] so ist es doch genau besehen nicht so verwunderlich, dass diese Nah-Beziehung gerade zwischen Orden besteht, deren geistliches Profil zwei Extreme in der Ausgestaltung des Spannungsgefüges von Kontemplation und Seelsorge verkörpern: Hier die völlige Zurückgezogenheit der Kartäuser, die nicht auf persönliche Kontakte, sondern auf das stellvertretende Gebet setzen (und auf das Apostolat des Buches), um dem Heil der Mitmenschen zu dienen—dort die Mitglieder der Gesellschaft Jesu, die keine Klausur im herkömmlichen Sinn kennen und deren „Haus die ganze Welt" (Jeronimo Nadal) ist,[20] die aber zugleich eine solche Einwurzelung in die

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[16] *BP* 12, v.1 (*Gründungstexte*, 19).

[17] *BP* 7, v.1 (*Gründungstexte*, 16; vgl. dort Anm. 37). Einige Passagen in *GÜ* sind ganz offenkundig von der *Vita Christi* inspiriert. Ludolf von Sachsen wiederum schöpfte aus den *Meditationes vitae Christi* des Johannes de Caulibus OFM, das im franziskanischen Bereich beheimatet ist und im Spätmittelalter vielfach Bonaventura zugeschrieben wurde.

[18] Ein schönes Beispiel ist die Unterstützung der Jesuiten in Köln durch die Kölner Kartause, deren Prior Kalckbrenner mit Petrus Faber befreundet war. Zum Verhältnis von Jesuiten und Kartäusern: Andreas Batlogg, „Verkannte Allianz. Kartäuser und Jesuiten in Köln", *Ignatius von Loyola und die Gesellschaft Jesu 1491–1556*, ed. Andreas Falkner und Paul Imhof (Würzburg, 1990), 285–295.

[19] Switek, „Eigenart der Gesellschaft Jesu", 214.

[20] Vgl. dazu John W. O'Malley, „Die Welt ist unser Haus. Die Berufung der Jesuiten", in *Ignatius von Loyola und die Gesellschaft Jesu 1491–1556*, ed. Andreas Falkner und Paul Imhof (Würzburg, 1990), 149–162.

Gottverbundenheit erreichen sollen, dass ihnen bei keinem Einsatz die Haltung der Kontemplation abhanden kommt.[21] Während die Kartäuser in ihrer schweigenden Zurückgezogenheit die größte Weite des Herzens erlangen sollen, müssen die Jesuiten in der schier unbegrenzten Weite ihrer seelsorglichen Aufgaben die größte Konzentration des Herzens wahren. Auch die Jesuiten müssen „die Welt verlassen“—d.h. das Streben nach Reichtum und Ehre—, sie müssen „heimatlos“ sein, um die Welt als Haus zu haben.

1.3. *Benediktinisch-kontemplative Devotio auf dem Montserrat*

Ignatius erfuhr geistliche Leitung durch Beichtväter aus den beiden Bettelorden, aber auch aus dem Benediktiner-Orden. An einen—mutmaßlichen—Zisterzienser erinnert er sich mit besonderer Hochschätzung.[22] Auf dem Montserrat, der ersten Station seiner Bußwallfahrt nach Jerusalem legte er eine Generalbeichte ab. Hat Ignatius die Übung der Generalbeichte, die in der Ordensformung und der seelsorglichen Praxis der Gesellschaft Jesu später eine Rolle spielen sollte, dort kennengelernt? Dies ist mehr als wahrscheinlich, da sonst kein Ort bekannt ist, wo es wie auf dem Montserrat Brauch war, dass ein Kandidat vor der Aufnahme in den Orden zehn Tage lang der Betrachtung widmete und anschließend eine Generalbeichte ablegte. Als Begründung für solch ein umfassendes Bekenntnis werden nicht etwa Zweifel angeführt, dass möglicherweise frühere Beichten ungültig gewesen wären. Vielmehr soll der Beginn eines neuen Lebensabschnittes markiert werden. Von einem neuen Standpunkt aus, der einem ermöglicht, klarer zu sehen, blickt man zurück und nach vorn.[23]

Auf dem Montserrat begegnete Inigo auch unmittelbar derjenigen geistigen Strömung, der die Spiritualität der frühen Jesuiten vielleicht am meisten verdankt: der Devotio moderna, welcher der berühmte Abt García Jiménez de Cisneros (1455–1510) sehr verbunden gewesen war.[24] Häufiger Empfang der heiligen Kommunion, die Praxis der täglichen Gewissenserforschung

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[21] Dies bringt das geflügelte Wort über Ignatius zum Ausdruck: „contemplativus in actione“.

[22] *BP* 54, 3 (*Gründungstexte*, 48): „Der Pilger hatte in Manresa einen Mönch—ich glaube, vom hl. Bernhard—, einen sehr geistlichen Mann, und er wollte bei ihm sein, um zu lernen . . . “ Als Ignatius ihn nach seiner Rückkehr aus Jerusalem aufsuchte, musste er erfahren, dass der Mönch gestorben war.

[23] Zur Praxis der Generalbeichte in verschiedenen Formen siehe John W. O'Malley, *Die ersten Jesuiten*; übersetzt von Klaus Mertes (Würzburg 1995), 165 f.

[24] Vgl. dazu besonders die Hinweise bei O'Malley, „Distinctive Characteristics“, 4.

und die Betrachtung gehörten im Einflußbereich der Devotio moderna zu den bevorzugten Mitteln geistlichen Lebens. Es ist gut möglich, dass Ignatius auf dem Montserrat auch entscheidende Anregungen für die Praxis der methodischen Betrachtung empfangen hat. Die Mönche dort hielten zweimal täglich „Betrachtung", und die *Geistlichen Übungen* des Abtes García Jiménez de Cisneros lagen seit Beginn des 16. Jahrhunderts auch in spanischer Übersetzung vor.[25] Hat Ignatius von diesem Text, zumindest in einer Kurzfassung, Kenntnis gehabt? Die Forschung ist hinsichtlich eines möglichen Einflusses der Geistlichen Übungen auf das gleichnamige Büchlein des Ignatius uneins.[26] Als sicher darf man festhalten, dass Ignatius mit der monastisch-kontemplativen Tradition in Berührung gekommen ist. Später wird zu den Exzerpten Polancos auch die *Regula Benedicti* zählen.

1.4. *Die Nächst-Verwandten: Regularkanoniker*

Ignatius waren die verschiedenen neuen Gemeinschaften von „Reform-Priestern" nicht unbekannt: 1524 waren die Theatiner gegründet worden, 1530 die Barnabiten, 1532 die Somasker. Solche Gemeinschaften, verbreitet hauptsächlich in Spanien und Italien, waren aus dem Anliegen heraus entstanden, pastoralen Einsatz mit einem geistlichen Leben, echter priesterlicher Lebensführung und praktizierter Caritas zu vereinen. Sie wollten als Kleriker „ehrbar, einfach und fromm" leben.[27] In der *Formula Instituti*, der „Regel" der Gesellschaft Jesu wird dieser Aspekt wieder begegnen: Die Jesuiten sind äußerlich „wie ehrbare Priester gekleidet". Warum schlossen sich Ignatius und seine ersten Mitstreiter nicht einer bestehenden Klerikergemeinschaft an? Vielleicht, weil die Lebensform dieser Gemeinschaften in mancher Hinsicht zu „monastisch" geprägt war, durch gemeinsames Stundengebet und klösterliche Observanzen, vor allem aber, weil ihr Wirken vorwiegend ortsgebunden war.

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[25] Lateinisch-spanische Ausgabe: García Jiménez de Cisneros, *Obras completas* vol. 2 (texto), ed. Cipriano Baraut (Abadía di Montserrat, 1965).

[26] Vgl. jüngst Johannes M. Steinke, „Hat Ignatius seine Exerzitien abgeschrieben?", in *Geist und Leben* 82 (2009), 38–52.

[27] Schatz, „Ordensleben", 109–111: Das 15. Jh. war nicht „schlimmer" als das 14., wohl aber wurde zunehmend schärfer die Diskrepanz zwischen Ideal und Wirklichkeit empfunden. Das Bürgertum suchte spirituelle Tiefe, die der durchschnittliche Klerus nicht zu vermitteln imstande war.

2. *Das Selbstverständnis der Gesellschaft Jesu nach den Fünf Kapiteln bzw. der* Formula Instituti

Auch wenn unbestreitbar feststeht, dass Ignatius durch seine Persönlichkeit der Spiritus rector des Zusammenfindens und Zusammenwachsens der ersten Gefährten war, so gehören zu den Grunddokumenten der frühen Jahre gerade auch solche, welche die Frucht eines länger dauernden Konsultationsprozesses waren, bzw. solche, an deren Ausformung einzelne Mitglieder großen Anteil hatten.

Das erste dieser Dokumente ist die *Formula Instituti*, in der man die „Regel“ der Gesellschaft Jesu erblicken darf. Fünf Jahre nach ihrem Gelübde am Montmartre (1534), bald nach ihrer Ankunft in Rom (1538), formulierten Ignatius und seine Gefährten—Franz Xavier, Diego Lainez, Nikolaus Bobadilla, Claude Jay, Petrus Faber, Simon Rodrigues—in einem kurzen Text die Ziele der entstehenden Gemeinschaft. Die *Fünf Kapitel* wurden im August 1539 Paul III. vorgelegt und im Jahr darauf (1540) mit geringen Veränderungen in der Bulle „Regimini militantis Ecclesiae“ bestätigt. Zehn Jahre später wurde eine ergänzte Fassung durch Julius III. approbiert (1550).

Die *Formula Instituti* als Grund-Regel wird konkretisiert durch die *Satzungen.* An ihnen arbeiteten Ignatius und Juan Alfonso de Polanco intensiv seit 1547. Polanco leistete immense Vorarbeit, vor allem studierte und exzerpierte er ältere Ordensregeln, unter anderem *Cassian* und *Pachomius* (in der Übersetzung des Hieronymus), die *Regula Benedicti*, die *Constitutiones Fratrum Praedicatorum* und die Ordensschriften des Dominikaner-Generals *Humbert von Romans*, die *bullierte* und die *nicht-bullierte Regel der Minderbrüder* und das *Testament* des hl. Franziskus, dazu etliche den Franziskanerorden betreffende päpstliche Bullen. Diese Arbeiten sind nochmals ein sprechendes Zeugnis für den Willen, das Beste aus der spirituellen Tradition im Hinblick auf das eigene Ideal zu assimilieren. Die *Satzungen* regeln die Aufnahme in den Orden, die verschiedenen Dimensionen der Ausbildung des Ordensnachwuchses, die Aufgaben der Oberen und verschiedene Ämter. Ein besonders wichtiger Teil der *Satzungen* ist das *Examen generale*, die Prüfung eines Kandidaten auf seine tatsächliche Eignung.

Obwohl die Gefährten bereits ihr Gelübde am Montmartre mit der Absicht der Mission verbunden hatten, war damit noch nicht geklärt gewesen, ob sie eine Ordensgemeinschaft im engeren Sinn, mit Verfassung und Oberem, gründen sollten. Als legitime Gründe für ein Zögern führen sie selbst an: Das Ordensleben stehe in keinem guten Ruf; vor allem

aber: Man müsse mit der Gefahr rechnen, die spezifische Eigenart einzubüßen, wenn man von der kirchlichen Autorität verpflichtet werde, eine bereits approbierte Regel anzunehmen. Auf der anderen Seite biete die Institutionalisierung größere Dauerhaftigkeit; von Vorteil sei ebenfalls eine klar abgegrenzte Verantwortung. Die *Formula Instituti*, mit der gewissermaßen der Kreis der „Freunde im Herrn" in eine religiöse Gemeinschaft im engeren Sinn umgeformt wurde, erwuchs aus den Beratungen der Ersten Gefährten, wobei für den Klärungsprozess (von der Fastenzeit bis zum Juni 1539) bestimmte Regeln beobachtet wurden.[28] Vor allem der erste Absatz gibt über den Kern des Selbstverständnisses der neuen Gemeinschaft Aufschluss:

> Wer immer in unserer Gesellschaft,
> von der wir wünschen, dass sie mit dem Namen Jesu bezeichnet werde,
> unter dem Banner des Kreuzes für Gott Kriegsdienst leisten
> und allein dem Herrn und dem Römischen Papst, seinem Stellvertreter auf Erden, dienen will,
> der soll sich nach dem feierlichen Gelübde immerwährender Keuschheit
> dessen bewusst werden, dass er Teil einer Gesellschaft[29] ist,
> die vornehmlich dazu errichtet worden ist,
> um besonders auf den Fortschritt der Seelen in Leben und christlicher Lehre
> und auf die Verbreitung des Glaubens abzuzielen
> durch öffentliche Predigten und den Dienst des Wortes [Gottes],
> die Geistlichen Übungen
> und Liebeswerke
> und namentlich durch die Unterweisung von Kindern und einfachen Menschen im Christentum
> und die geistliche Tröstung der Christgläubigen durch Beichthören,
> und er soll sich bemühen, zuerst Gott,
> dann die Art und Weise dieses seines Instituts, die ja ein Weg zu ihm ist,
> stets vor Augen zu haben und dieses ihm von Gott gesetzte Ziel mit allen Kräften zu erreichen;
> ein jeder jedoch nach der ihm vom Heiligen Geist gewährten Gnade und der eigenen Stufe seiner Berufung, damit nicht etwa jemand Eifer anwende, jedoch nicht nach Einsicht.[30]

Die *Formula* umschreibt in diesem 1. Abschnitt die allgemeine *Grundlage* der Gesellschaft Jesu, ihre *Zielsetzung* und die bevorzugten *Mittel*.

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[28] Der Bericht darüber ist erhalten unter dem Titel: „Die Weise, wie sich die Gesellschaft geordnet hat, um einem aus ihr Gehorsam zu leisten": *Gründungstexte*, 291–296.

[29] Im Text von 1539: „Gemeinschaft".

[30] *Gründungstexte*, 304 und 305.

Grundlage ist zum einen das Gelübde der immerwährenden Keuschheit, das die Gefährten als Ausdruck der Weihe an Gott bereits abgelegt hatten (in der Fassung von 1550 werden explizit die drei evangelischen Räte genannt), zum anderen die Sendung durch den Papst. Die Gesellschaft Jesu soll offen sein und bleiben für die Bedürfnisse der universalen Kirche, deren Repräsentant der Papst ist. In dieser Weise über sich verfügen zu lassen, ist Ausdruck eines ekklesialen „magis“. In den folgenden Abschnitten wird ausgeführt, was dieses Gelübde, sich in die ganze Welt senden zu lassen, bedeutet. Es ist gewissermaßen ein Mobilitätsgelübde um der Seel-Sorge willen.[31]

Als *Zielsetzung* wird genannt: „der Fortschritt der Seelen in Leben und christlicher Lehre“, generell die Förderung des Glaubens. „Der Fortschritt der Seelen“, „den Seelen zu helfen“: Diesen Ausdruck scheint Ignatius bevorzugt zu haben, um die apostolische Zielsetzung der Gesellschaft Jesu zu umschreiben.[32] Dem autobiographischen *Bericht des Pilgers* zufolge entfaltete dieser Antrieb bereits früh für Ignatius eigene Lebensplanung bestimmende Kraft—längst bevor er Gefährten um sich gesammelt hatte: Unmittelbar nach seiner Bekehrung, als er als Rekonvaleszent in Loyola weilte, habe er „die Zeit, die er mit den Hausbewohnern verkehrte, [. . .] ganz auf Gottes Dinge [verwandt], womit er ihren Seelen Nutzen bewirkte.“[33] Er wollte im Heiligen Land bleiben, nicht nur um dort das Leben der Buße zu führen, sondern auch um „den Seelen zu helfen“,[34] und auch das Studium nahm er mit dieser Zielsetzung auf sich.[35] Er nahm

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[31] Das Dilemma, dass nicht allzu viele die Belastbarkeit für eine derartige Mobilität mitbringen, und zugleich viele Jesuiten gebraucht werden, versuchte man mit der Unterscheidung von Professen und Koadjutoren (die das vierte Gelübde nicht ablegen) zu lösen.

[32] „Den Seelen helfen“ gehört mit den Ausdrücken „(geistliche) Tröstung“, „unsere Weise voranzugehen“ und „omnia ad maiorem Dei gloriam“ zu den Kurzfassungen ignatianischer Spiritualität; die ersten drei zeigen den unlösbaren Zusammenhang zwischen Spiritualität und pastoraler Aufgabe: „Each of these terms like the *Exercises* themselves are condensed symbols of elements central to Jesuit spirituality in the sixteenth century“, so O'Malley, „Distinctive Characteristics“, 3.

[33] *BP* 11, v.1 (*Gründungstexte*, 18).

[34] *BP* 45, v.3 (*Gründungstexte*, 42f.)

[35] *BP* 50, v.3 (*Gründungstexte*, 46); 71, v.5 (61). Weitere Stellen: 26, v.1 (30), 29, v.3 (33): Ignatius lässt von den extremen asketischen Übungen ab, er schneidet sich wieder Nägel und Haare, weil er sieht, dass er im Umgang mit den Menschen Frucht bringen kann; 54, v.3 (48); 85, v.2 (71): Die Gefährten sind entschlossen, ihr Leben diesem Ziel zu weihen; 88, v.4 (73): Predigt zu diesem Ziel; 98, v.3.

ungerechte Behandlung hin—außer, wenn ihm dadurch die Möglichkeit, „den Seelen zu helfen", eingeschränkt oder verschlossen wurde.[36]

Ignatius hatte selbst Krisen erlebt: etwa die Zeit des Schwankens zwischen einer ritterlichen Karriere und einem Leben in der Nachahmung heiliger Bettelmönche, später eine Phase quälender, unüberwindlich scheinender Skrupel, aus denen ihm kein menschlicher Rat hatte heraushelfen können.[37] Auch hatte er—wie er es später im *Bericht des Pilgers* ausdrückt—„manches aus seinem Herzen und guten Willen unternommen, weil er es noch nicht besser verstand", also mit guter Absicht, aber ohne rechte *discretio*. „Durch die Hilfe unseres Herrn"[38] gelang es ihm, mit der Zeit bestimmte Erfahrungen einzuordnen, die Vorgänge in seinem Inneren nach ihren Wirkungen zu beurteilen und so die „Geister zu unterscheiden".[39] Um andere an diesen durch mühevolle Kämpfe erworbenen Früchten teilhaben zu lassen, begann Ignatius bereits in Manresa mit den ersten Aufzeichnungen zum späteren *Exerzitienbüchlein*.

Im Ziel der Seel-Sorge liegt der Grund für den Verzicht auf sonstige Ordensobservanzen. Selbst die Tatsache, dass in der Gesellschaft Jesu keine regelmäßig tagenden Generalkapitel stattfinden, wird mit der Vorrangigkeit der Sorge um die Seelen begründet. Anders gesagt: Es kann niemand in die Gesellschaft Jesu aufgenommen werden, der nur sich selbst retten will.[40]

Worin aber besteht konkret „Seelsorge" in diesem Verständnis? Als *Mittel* nennt die *Formula Instituti* zunächst den *Dienst des Wortes:* Predigttätigkeit, Vorträge und Unterweisung, im größeren und kleineren Kreis, sei es mehr katechetisch, sei es mehr theologisch ausgerichtet,[41] sowie die individuelle Seelsorge durch das persönliche Gespräch und das „Geben der Exerzitien"; sodann den sakramentalen Dienst des Beichthörens, der Sterbebegleitung, und die Sorge um den Menschen in seinen konkreten Lebensumständen durch „Liebeswerke", d.h. jede Art von Werken der Barmherzigkeit, die leiblicher oder seelischer Not

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[36] *BP* 63, v.1 (*Gründungstexte*, 56); 70, v.7 (61).

[37] *BP* 22–25 (*Gründungstexte*, 28–30).

[38] Z.B. *BP* 7, v.1 (*Gründungstexte*, 16).

[39] *BP* 8, 6 (*Gründungstexte*, 17); *BP* 10, v.5; 25, v.7 (30).

[40] Siehe dazu Andreas Wollbold, „Der Weg der ersten Gefährten und die Pastoraltheologie", in *Zur größeren Ehre Gottes. Ignatius von Loyola neu entdeckt für die Theologie der Gegenwart*, ed. Thomas Gertler, Stephan H. Kessler und Willi Lambert (Freiburg, 2006), 218–233.

[41] Anschauliche und detaillierte Darstellung der verschiedenen Formen des „Dienstes am Wort" bei O'Malley, *Die ersten Jesuiten*, 113–160.

abhelfen können. Exemplarisch werden in der erweiterten Fassung von 1550 die Versöhnung von Kirchenfernen und die Hilfe für Gefangene und Kranke aufgeführt.[42] Während die Vortragstätigkeit nicht eigentlich „neu“, jedoch von der Gesellschaft Jesu besonders verbreitet wurde,[43] kann man das „Geben der Exerzitien“ und die „geistlichen Gepräche“ mit Einzelpersonen als Specificum bezeichnen.[44] „Geistliche Gespräche“ waren die Keimzelle des Ordens selbst gewesen. Die Mitglieder waren zu zweit unterwegs und sprachen Menschen auf dem Markt oder im Gefängnis an, um sie zu einem geistlicheren Leben zu bewegen, zur Predigt oder zur Beichte einzuladen.[45] Und sie ermutigten auch andere Christen zu diesem Dienst. Das unmittelbare Gespräch galt den frühen Jesuiten als vorrangig gegenüber Buch-Veröffentlichungen.[46] Auch die Erste Woche der Exerzitien sollte vielen Personen, Männern wie Frauen, als geistliche Hilfe, Neuorientierung und Gebetsschule angeboten werden, nicht nur solchen, die eine Standeswahl zu treffen hätten, oder sich für längere Zeit aus dem alltäglichen Leben zurückziehen konnten.[47] Das Ziel der

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[42] Ignatius wie auch seine Gefährten taten in Spitälern Dienst, ebenso in Gefängnissen, deren Insassen zumeist Schuldner waren oder Personen, die auf ihre Verurteilung bzw. Hinrichtung warteten. In Rom gründete Ignatius u.a. ein Haus für bekehrte Prostituierte und für die Kinder solcher Frauen. Vgl. Dieter Scholz, „Für die Armen und Flüchtenden da sein. Praktische Nächstenliebe in Rom (1538)“, in *Ignatius von Loyola und die Gesellschaft Jesu 1491–1556*, ed. Andreas Falkner und Paul Imhof (Würzburg, 1990), 175–176.

[43] Ähnliches gilt auch für den Katechismus-Unterricht. Zumindest in Spanien und Italien gab es längst vor Luthers Großem bzw. Kleinem Katechismus eine katechetische Tradition. Verschiedene Lehr-Methoden, etwa der Katechismus in Versen, waren in Spanien bekannt (so hatte etwa der große Priesterseelsorger Juan de Avila 1527 einen Katechismus zum Singen eingerichtet). Allerdings zeigt das 16. Jh. eine veränderte Situation, insofern alle Schichten erfasst werden sollen, und gedruckte Texte an Bedeutung zunehmen.

[44] *La ‚Conversazione spirituale‘. Progetto Apostolico nel ‚Modo di procedere Ignaziano‘.* Atti de Solenne Atto Accademico Pontificia Università Gregoriana Roma, 9 Marzo 2006, ed. Herbert Alphonso (Roma, 2006); darin besonders den Beitrag von Rogelio García Mateo, „La ‚conversazione spirituale‘ tra i primi compagni—Ignazio, Saverio, Fabro—e succesivamente nella Compagnia nascente“, 23–38.

[45] *Brief* 208 vom 31. Okt. 1547, ein Bericht über pastorale Tätigkeiten in Rom (*Briefe und Unterweisungen*, 206): „Auch der Gespräche bedient sich Gott unser Herr, indem man den Personen zu den Sakramenten und zur Besserung ihres Lebens rät und sie dorthin zieht; sie trennen sich von Sünden und geben Almosen und tun viel Gutes.“ Vgl. *Brief* 1899 vom 13. Juni 1551 (*Briefe und Unterweisungen*, 358).

[46] Bald freilich erkannte man ihren Nutzen; bereits 1554 ermutigte Ignatius zur Abfassung von Handreichungen für Beichtväter.

[47] Brief 4131 vom 2. Febr. 1554 (*Briefe und Unterweisungen*, 548): „In Bezug auf die Geistlichen Übungen hat mir unser Vater aufgetragen, in jedem Gebiet daran zu erinnern, dass man zusehe, sie für Männer—und *auch* für Frauen, die jedoch zur Kirche kommen sollen, um sie zu nehmen—anzuwenden; gemeint ist dies von den Übungen der ersten Woche, wobei man ihnen eine oder eine andere Gebetsweise entsprechend ihrer Fassungskraft überlässt. Und dies wird verstanden, ohne die Personen ein zuschließen, so

Geistlichen Übungen, auch in der einfachsten Form, ist die persönliche Aneignung des Geglaubten, ein tieferes „Gespür" für die Gegenwart und das Wirken Gottes im eigenen Leben.

Der Kern und das Ziel des ‚Helfens' besteht darin, die Beziehung eines Menschen zu Jesus Christus als seinem Herrn und Erlöser zu fördern, was gleichbedeutend ist mit der Zunahme an Glauben, Hoffnung und Liebe. Dieses Wachstum—und damit die zunehmende Befreiung von geistlicher Kraftlosigkeit, Traurigkeit und Dunkelheit—nennt Ignatius „Trost".[48] Um in eine Beziehung einzutreten, muss der Mensch erst einmal wissen, wer Gott ist. Darum steht am Anfang die „Förderung des Glaubens", durch Glaubensunterweisung: Gott als Dreifaltigen überhaupt kennenlernen, Überlagerungen, Verdunkelungen des Gottesbildes ablegen, Gott überhaupt an sich herankommen lassen. Aus der Kenntnis des Glaubens ergibt sich als Konsequenz die Änderung der Lebenspraxis.[49]

Diese geistliche Hilfe und Sorge soll in erster Linie „Kindern und einfachen Menschen" erwiesen werden, oder wie Jeronimo Nadal es ausdrückt: denjenigen, für die sonst *niemand, oder nur nachlässig sorgt*. Sicherlich ist hier auch an Personen ohne finanzielle Mittel gedacht. Programmatisch verlangte die Gesellschaft Jesu von sich selbst, dass Predigt, Unterweisung, etc. grundsätzlich „gratis" erwiesen werden.[50] Es scheint ebenso überraschend wie bezeichnend, dass die Unterweisung „von Kindern und einfachen Menschen" ausdrücklich als Präzisierung des seelsorglichen Dienstes angeführt wird. In der Gelübdeformel verpflichtet sich ein Jesuit ebenfalls explizit auf die Unterweisung der Kinder.[51] Handelt es sich dabei

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dass sie einige Stunden am Tag zu diesem Zweck nehmen Denn auf diese Weise kann man vielen den Nutzen der Übungen bis zur Generalbeichte und—wie gesagt—irgendeiner Gebetsweise mitteilen. […]" (Hervorhebung im Text). Die vollständigen Exerzitien dagegen können nicht zu breit angewendet werden, auch weil sie viel Zeit und Kraft brauchen. Vgl. auch *Brief* 123, Anfang des Jahres 1546, eine Unterweisung des Ignatius an Mitbrüder in Trient (*Briefe und Unterweisungen*, 112–115). Der Brief ist eine Konkretisierung der in der *FI 1* genannten pastoralen Tätigkeiten.

48 Vgl. dazu Hans Zollner, *Trost—Zunahme an Hoffnung, Glaube und Liebe. Zum theologischen Ferment der ignatianischen „Unterscheidung der Geister"* (Innsbruck, 2004).

49 Themen der katechetischen Unterweisungen konnten z. B. das Credo, das Vaterunser, das Ave Maria, der Dekalog, die Heilmittel gegen die Sünde, die Werke der Barmherzigkeit oder die Seligpreisungen sein. Vgl. u. Anm. 53: *Ignatius über die christliche Lehre.*

50 Über der Tür des Collegium Romanum war geschrieben: „Scola di Grammatica, di humanità e Dottrina christiana, gratis". Den Zusammenhang der Armut mit dem priesterlichen Ideal der Ersten Gefährten zeigt Klaus Vechtel, „Das Priesterbild bei Ignatius von Loyola", in *Zur größeren Ehre Gottes. Ignatius von Loyola neu entdeckt für die Theologie der Gegenwart*, ed. Thomas Gertler, Stephan H. Kessler und Willi Lambert (Freiburg, 2006), 199–217.

51 *Gründungstexte*, 340.

nicht um ein Echo jener Erfahrung, die Ignatius im Bericht des Pilgers (27) beschreibt: Gott habe ihn unterwiesen, wie ein Lehrer in der Schule ein Kind? Unterweisung ist damit ein Mitwirken mit dem göttlichen Heilswillen, sie ist möglich und nötig.

Die zweite Präzisierung lautet: *geistliche Tröstung der Christgläubigen durch Beichthören*. Zunächst erscheint die Konzentration auf die Beichte auffällig—warum werden die anderen Sakramente nicht erwähnt? Zum einen dürfte eine Rolle spielen, dass die Mitglieder der Gesellschaft Jesu ihre Aufgabe nicht in der Pfarrseelsorge sahen, und sie daher Zurückhaltung übten hinsichtlich der Sakramente, die dort zu spenden sind. Zum andern steht die Beichte in besonderer Nähe zur persönlichen Seelenführung, also gerade einer besonderen Stärke der jesuitischen Pastoral, auch wenn sie weder die ersten noch die einzigen waren, welche das Bußsakrament mit dem „geistlichen Gespräch“ der individuellen Begleitung verbanden.[52] Und schließlich ist die Beichte das Sakrament der Versöhnung, daher sowohl mit dem erfahrbaren „Trost“ des Friedens wie mit dem geistlichen Wachstum eng verbunden, wie es auch der Text der *Formula Instituti* zum Ausdruck bringt: „geistliche Tröstung durch Beichthören“.

So beginnt die *Zusammenfassung der Predigten von Magister Ignatius über die christliche Lehre*[53] mit einer Beichtkatechese, sehr klar und schlicht, mit unverkennbar praktischer Intention: Zuerst wird kurz und mit einfachen Worten erklärt, was zum Bußsakrament gehört, nämlich Reue, Bekenntnis und Wiedergutmachung bzw. Genugtuung. Im einzelnen wird erläutert, dass zur Reue wesentlich der Vorsatz gehört, nicht mehr zu sündigen; dass der Reueschmerz freilich eine Gnade Gottes ist, den man als Gefühl nicht „hervorbringen“ kann; es genüge jedoch, über die eigene Gefühlskälte Kummer zu haben. Das Bekenntnis soll „demütig sein, das Sprechen kurz, deutlich und nicht wortreich.“[54] Ignatius gibt sodann ganz praktische Anleitungen: Wie man das Kreuzzeichen macht, und was man dabei erwägen soll. Nach dem Kreuzzeichen spreche man das allgemeine

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[52] Zum Zusammenhang der Beichte mit der Predigt und dem geistlichen Gespräch vgl. O'Malley, *Die ersten Jesuiten*, 167 f.; Klaus Vechtel, „Priesterbild bei Ignatius von Loyola“, 205 f.—Zur Praxis der Spendung des Bußsakraments in der dominikanischen Tradition, sowie den Manualia für Beichtväter des Conrad von Höxter, Raimund von Peñaforte und vor allem Wilhelm Peraldus' *Summa de virtutibus*, die auch Polanco studiert hatte, siehe Simon Tugwell, *Ways of Imperfection* (Templegate, 1985), 152–170.

[53] *Zusammenfassung der Predigten von Magister Ignatius über die christliche Lehre*, als Anhang I in: Ignatius von Loyola, *Bericht des Pilgers*, übersetzt und kommentiert von Peter Knauer (Würzburg, 2. Aufl. 2005), 167–175.

[54] *Ignatius über die christliche Lehre*, 167.

Schuldbekenntnis bis zu den Worten „durch meine Schuld".[55] Danach, so Ignatius' Katechese, bekenne man die einzelnen Sünden, indem man der Reihenfolge des Dekalogs folgt. Bevor er auf die einzelnen Gebote eingeht, deren Inhalt jeweils in wenigen Zeilen zusammengefasst wird, resümiert Ignatius die Heilsgeschichte: Er erinnert an den Willen Gottes von Anbeginn, das Menschengeschlecht von der Sünde zu erlösen, und an die Befreiung des geliebten Volkes aus Ägypten. Die Quintessenz aller Gebote besteht in der Gottes- und Nächstenliebe:

> Um also gut die Gebote zu verstehen, müssen wir wissen, dass die Liebe, ohne die niemand das Heil erlangen kann, eine Liebe ist, in der wir Gott unsern Schöpfer und Herrn um seiner selbst Willen lieben, und die Nächsten um unseres selben Heilandes willen. Unter dem ‚Nächsten' verstehen wir jeden Menschen, der das Heil erlangen kann, sei er Gläubiger oder Ungläubiger. Diese müssen wir lieben als Geschöpfe Gottes unseres Schöpfers und Herrn und gemacht nach seinem wahren Gleichnis und Bild. . . .[56]

Einzig das Hauptgebot der Liebe wird ausführlich behandelt. Die Unterscheidung von tödlichen und lässlichen Sünden, die ihm während seines Studiums von der Inquisition untersagt worden war, die er aber seelsorglich für unbedingt notwendig erachtete, auch um in Gewissensängsten Klarheit zu schaffen, wird am Beispiel von vier Geboten kurz angerissen: am Verbot der Lüge, die Todsünde ist, „wenn sie gegen den Nächsten gerichtet ist",[57] sowie am sechsten, neunten und zehnten Gebot. Ignatius gibt hier in knappen Worten die klassische Lehre wieder, dass auch Gedankensünden tödlich sein können, wenn der Wille das böse Begehren bejaht. An diese erste Unterweisung schließen sich weitere Skizzen an: „Über die Gebote der Kirche", „Über die sieben Hauptsünden" und die Gefahr, „die fünf Sinne des Leibes" in unrechter Weise zu gebrauchen.[58]

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[55] Polancos *Breve directorium* empfiehlt, dass der Beichtvater mit dem Pönitenten zuerst das allgemeine Schuldbekenntnis bete, damit Mut fasse, weil auch der Beichtvater sich als Sünder bekennt: s.u. III.

[56] *Ignatius über die christliche Lehre*, 169.

[57] Eigenartigerweise ist die Erläuterung der Grade der Lüge dem Durchgang durch die Gebote vorgeordnet. Ignatius scheint am Paradigma der Lüge grundsätzlich die Unterscheidung von tödlicher und lässlicher Sünde verdeutlichen zu wollen, die in der Absicht gründet: „Es gibt drei Weisen zu lügen. Die erste ist: Wenn wir zum Spaß oder um jemandem einen Gefallen zu tun, lügen und anderen keinen Missfallen oder Schaden bereiten, und es ist lässliche Sünde. Das zweite ist, wenn wir lügen, um jemandem Nutzen oder Gefallen zu bereiten, und es ist noch lässliche Sünde. Die dritte ist, wenn es gegen den Nächsten gerichtet ist, und dann ist es Todsünde": 168.

[58] Z.B.: „Wir sündigen dann, wenn wir mit einiger Freude einige lasterhafte Dinge hören oder aber nicht in die guten Dinge einwilligen, obwohl wir es in passender Weise könnten": 174.

Weil zum christlichen Leben nicht nur die Abkehr von der Sünde gehört, sondern auch die Verpflichtung, Gutes nicht zu unterlassen, folgen „die Werke der [leiblichen] Barmherzigkeit“ und „die sieben geistlichen Werke [der Barmherzigkeit]“.

Bei dieser Konzentration auf das Buß-Sakrament darf man nicht übersehen, dass diese in einem weiteren Kontext steht. Zum einen bereitet das Sakrament der Versöhnung auf den Empfang der *Kommunion* vor. Es steht außer Zweifel, dass die Förderung der eucharistischen Frömmigkeit und des sakramentalen Kommunionempfangs der Gläubigen Ignatius ein besonderes Anliegen war, was verschiedene Briefe in aller Deutlichkeit belegen.[59] Zum zweiten kommt der Beichte eine herausragende Bedeutung in der *Sterbevorbereitung* zu. Und gerade die Sorge um die Sterbenden gehörte zu den Kernaufgaben der Pastoral der Jesuiten. Das bezeugen wiederum Briefe des Ignatius. So nimmt in jenem Bericht über die seelsorgliche Tätigkeit der Jesuiten in Rom die geistliche Sorge um die Sterbenden breiten Raum ein:

> Ebenso werden Kranke besucht, besonders in den Spitälern; in ihnen dienen einige leiblich und andere geistlich. Einer vom Haus besuchte an diesem Tag einen leiblich und noch viel mehr in seinem Herzen Verwundeten, welcher

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[59] Die Förderung der häufigen Kommunion, und damit auch des regelmäßigen Empfangs des Bußsakraments „became distinctive of Jesuit spirituality and ministry“: O'Malley, „Distinctive Characteristics“, 5, mit Verweis auf den Einfluß Jean Gersons und der *Imitatio Christi*, die den frühen Jesuiten ja als ein Werk Gersons galt. Die Empfehlung der häufigeren Kommunion teilen die Jesuiten auch mit den Reform-Klerikern wie den Barnabiten und Theatinern: O'Malley, *Die ersten Jesuiten*, 181.—Exemplarisch seien von Ignatius' Weisungen genannt *Brief* 26 vom August/September 1540 an die Einwohner seiner Heimatgemeinde Azpeitia (*Briefe und Unterweisungen*, 58–59): Ignatius ist offenkundig überzeugt, dass in der Urkirche die heilige Kommunion täglich von den Gläubigen empfangen wurde. Der zu gründenden Bruderschaft empfiehlt er die monatliche Beichte und Kommunion, „und wer noch weiter gehen will, wird ohne irgendeinen Zweifel unserem Schöpfer und Herrn entsprechend gehen, nach dem Zeugnis des heiligen Augustinus mit allen anderen heiligen Lehrern, der—nachdem er gesagt hatte: ‚Ich lobe weder, noch tadle ich, täglich zur Kommunion zu gehen‘—sagt: ‚Ich ermahne jedoch, jeden Sonntag zur Kommunion zu gehen.‘ “ Vgl. den Rat bezüglich der täglichen Kommunion an Sor Teresa Rejadell, *Brief* 73 vom 15. Nov. 1543 (*Briefe und Unterweisungen*, 92–93); sowie *Brief* 45aA an Francisco de Borja, Mitte des Jahres 1542 (*Briefe und Unterweisungen*, 78–79).—Vgl. auch den Libellus des Christophorus Madridius SJ, *De frequenti usu sanctissimi Eucharistiae Sacramenti.* Ignatius hatte eine Veröffentlichung zu diesem Thema angeregt, um der Kritik an der jesuitischen Option zu begegnen. Nach ersten Arbeiten von Salmeron und Oviedo, die aus äußeren Umständen nicht abgeschlossen werden konnten, unternahm Christophorus von Madrid die Verteidigung der häufigen Kommunion. Das Büchlein, das zahlreiche Vätertexte und scholastische Autoren zitiert, erschien in 1. Auflage 1555, bald wurde es zusammen mit dem Beicht-Handbuch Polancos gedruckt, so auch in der Kölner Ausgabe von 1560, s. u. Anm. 62.

> nicht beichten wollte und es auch lange Zeit nicht getan hatte und seinem Gegner nicht verzeihen wollte. Mit der göttlichen Hilfe brachte er ihn dazu, diesem öffentlich zu vergeben und sich mit ihm zu versöhnen […]. Und zugleich brachte er ihn dazu, mit viel Andacht und einzigartigem Nutzen für seine Seele zu beichten. Ebenso hat man sich bei anderen, die dem Tod nahe waren, darum bemüht, dass sie mit ihren Gegnern Frieden schließen und sich bereiten, christlich zu sterben. Ich will von allen nur einen einzeln nennen, eine vornehme und mächtige Person, welche, obwohl sie krank war, fünfundzwanzig oder mehr Feindschaften hatte […]. Einer […] fand Abhilfe, der dreißig Jahre nicht kommuniziert hatte und keine Absicht hatte, es in Zukunft zu tun; auch andere, die es während langer Zeiten nicht getan hatten, und andere, die schlecht oder gar nicht gebeichtet hatten; unter ihnen eine Person ohne Hoffnung: Weil ihr ihre Sünden so ohne Abhilfe erschienen, wollte sie sich nicht bereiten, sie zu beichten […].

3. *Handreichungen für die Seelsorge: Beichte, Kommunion, Sterbebegleitung*

Es ist kein Wunder, dass pastorale Handreichungen für diese Aufgaben zu Bestsellern wurden. Verwunderlich ist dagegen, dass sich von keinem der im Folgenden kurz vorgestellten Werke eine moderne Ausgabe findet, geschweige denn eine Übersetzung des lateinischen Textes.[60] Dass solche Werke, die unbezweifelbar die Gestalt und den Gehalt der Seelsorge in den ersten Generationen prägten, nur schwer zugänglich und unzulänglich bekannt sind, führt dazu, dass manche Studien über die Spiritualität der ersten Jesuiten sich nahezu ausschließlich auf die *Geistlichen Übungen* und die *Satzungen* als Quelle stützen.[61]

3.1. *Breve directorium ad confessarii et confitentis munus rite obeundum*

Im Jahr 1549 hatte Juan de Polanco, Ignatius' langjähriger Sekretär—„sein Gedächtnis und seine Hände"—den ersten Entwurf eines „Handbuches

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[60] C. de Dalmases, „Polanco, Juan Alfonso de" in *Diccionario histórico de la Compañía de Jesús. Biográfico-temático*, (Roma and Madrid, 2001) 4: 3168–3169. Jean François Gilmont, *Les écrits spirituels de premiers Jésuites. Inventaire Commenté* (Roma, 1961), 203–204, 206–207. Einige kurze Kostproben bietet Antonio M. de Aldamada, *Imagen ignaciana del jesuita en los escritos de Polanco. Extractos* (Roma, 1975), 125–131, 141–144.—Für hilfreiche Hinweise zur Literatur danke ich herzlich P. Andreas Schönfeld SJ.

[61] Dass dies zu einer verkürzten Sichtweise führt, wird von O'Malley warnend bemerkt, „Distinctive Characteristics", 3. Weitere einflußreiche Handbücher zur Beichtpraxis aus der ersten Generation der Gesellschaft Jesu werden kurz vorgestellt von O'Malley, Die ersten Jesuiten, 166 f. (Gaspar de Loarte, Esercicio de la vida christiana, Cagliari 1567), 169 f. (Petrus Faber).

für Beichtväter und Beichtende“ Ignatius vorgelegt. Im Vorwort des 1553 abgeschlossenen und 1554 in Rom gedruckten Buches nimmt der Verfasser ausdrücklich auf einen Auftrag des Ordensvaters Bezug. Er beruft sich auf „eigene Erfahrungen und Erfahrungen anderer“ bezüglich der Spendung des Sakramentes; seine Absicht ist es, „Nützliches“ zusammenzustellen, mit dem Ziel, eine gemeinsame Praxis in der Gesellschaft Jesu zu fördern. Das Büchlein, so Polanco, sei zunächst für den internen Gebrauch gedacht gewesen; aber die für die Erteilung der Druckerlaubnis zuständige Person an der päpstlichen Kurie habe dazu aufgefordert, dieses Werk allen zugänglich zu machen (2v). Noch im gleichen Jahr erschien eine weitere Auflage (Lovanii 1554) und insgesamt brachte es die „Kurze Anleitung, wie man recht beichtet und Beichte hört“, auf 40 Auflagen,[62] die Übersetzungen—darunter ins Tschechische (1560), Portugiesische (1556), Französische (1559) und Italienische (1579)—nicht gezählt.

Das Direktorium umfasst vier große Kapitel, sowie vier Anhänge (die insgesamt mehr Platz beanspruchen als die Kapitel: 26r–81r). Im Aufbau folgt Polanco offenkundig der oben genannten *Zusammenfassung der Predigt des Vaters Ignatius*: In der *Praefatio* werden wesentliche Komponenten des Sakraments kurz resümiert: Gewissermaßen die *materia* bilden die Reue mit gutem Vorsatz, das Bekenntnis und die Wiedergutmachung; die *forma* des Sakramentes stellt die Absolutionsformel dar. Die Früchte, bzw. der *finis* des Sakramentes wird mit den Worten empfohlen:

> Finis vero, res et effectus huius Sacramenti, quantum ad eius vim et institutionem spectat, est absolui a peccatis, et reconciliari Deo, in eius gratiam redeundo: vnde sequitur liberatio a poenis Inferni et in iis, qui devote confitentur, pax et serenitas conscientiae, cum magna spiritus consolatione, et augmento donorum Dei. (4v).

Der Spender des Sakramentes, sozusagen die *causa efficiens*, ist Gott selbst: „Deus, Christi meritum intuens“; die *causa efficiens instrumentalis* ist der Priester. Und damit ist Polanco an der Stelle des Scopus angelangt: Der Priester, der diesen Dienst der Versöhnung mit Gott anderen leisten will, muss vier Punkte im Auge behalten: Erstens seine eigene Person, er muss „geeignet“ sein für diesen Dienst; zweitens: er muss dem Beichtenden Hilfestellung leisten und zwar sowohl zu einem rechten und vollständigen Bekenntnis, wie auch zu einer aufrichtigen Reue; drittens muss der

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[62] Im folgenden verwende ich die Ausgabe Coloniae (Maternus Cholinus) 1560. Im gleichen Band findet sich bezeichnenderweise auch Christophorus Madridius *De frequenti usu sanctissimi Eucharistiae Sacramenti libellus.*

Priester auf den rechten Vollzug der Lossprechung achten, und dazu muss er einige Kenntnisse haben hinsichtlich reservierter Fälle, er muss wissen, was in Fällen von eingetretener Exkommunikation, Suspension oder Irregularität zu tun ist. Diesen letzten Bereich greift *Anhang IV* noch einmal gesondert auf. Und viertens muss er im Blick haben, nicht nur dass der Pönitent von Sünden frei wird, sondern auch geistlich Fortschritte macht, bzw. „Trost empfängt": „emendationem vitae, pacem et consolationem spiritualem". Diese vier Aspekte bilden die Grundeinteilung der vier Kapitel des Directorium.

Was die Person des Priesters betrifft, so nennt Polanco selbstverständlich die bekannten notwendigen Voraussetzungen: *Scientia, potestas, bonitas, prudentia, secretum.* Er muss wissen, was Sünde ist, und was nicht, und nach der Gattung—nicht im konkreten Fall—Todsünde von lässlichen Sünden unterscheiden können. Er muss auch wissen, dass jemand tödlich sündigt, wenn er etwas mit Absicht tut, was er (fälschlich) für Todsünde hält. Der Priester soll sich aber davor hüten, etwas zu rasch als „Todsünde" zu bezeichnen. Der Beichtvater muss zum gültigen Vollzug Priester sein und die erforderliche Jurisdiktion haben; er muss seine Befugnisse kennen.[63] Er muss das Beichtgeheimnis wahren, ja er darf im Notfall sogar schwören, dass er nicht weiß, was gebeichtet wurde—denn er weiß es ja tatsächlich nicht als eines Menschen Untertan. Interessant ist, was zur *bonitas* und *prudentia* eingemahnt wird: Natürlich muss er selbst ohne Todsünde sein (außer in einem Notfall, wo die Beichte unaufschiebbar ist), aber er bedarf auch eines beherrschten, reifen Benehmens *(compositus)*. Es ist keineswegs gleichgültig, wie der Beichtvater seines Amtes waltet, zwar nicht hinsichtlich der Gültigkeit der Versöhnung, wohl aber hinsichtlich der Früchte des geistlichen Wachstums, die er als ‚instrumentum divinae bonitatis' im Beichtenden fördern hilft.[64] „Er soll sich vor Augen halten, dass er an Gottes Stelle steht—meminit se locum Dei tenere" und dass nicht nur der Beichtende, sondern auch er selbst vor Gottes Angesicht steht (8r–v). Er soll den Beichtwilligen in seinem Herzen mit Ehrfurcht betrachten und ihn für besser halten als sich selbst. Zur Klugheit gehört eine behutsame Sprache bei eventuell nötigen

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[63] Zum Verhältnis von Beichtpraxis und Kasuistik siehe die Ausführungen von O'Malley, *Die ersten Jesuiten*, 172–175; zu den Privilegien der SJ hinsichtlich der Absolutionsvollmacht ebda. 171 f.

[64] „*. . . quo ipse melior, et in omnibus virtutibus, praecipue in charitate fraterna, et zelo animarum eminentior fuerit, eo aptius erit instrumentum divinae bonitatis, ut per ipsum dignetur poenitenti plenius gratiae ac virtutum incrementum praestare*" (8r).

Nachfragen; dass er dem Beichtenden nicht ins Gesicht schaut, noch sich ins Gesicht schauen lässt, sondern schräg sitzt und das Gesicht mit der Hand etwas schützt. Wenn Personen häufig zur Beichte kommen, soll er auf die Einhaltung einer bestimmten Zeit hinweisen und keine langen Ermahnungen oder Gespräche führen.

Hier ist der Übergang zum *zweiten Kapitel*, der Hilfestellung für den Beichtenden, gewissermaßen fließend. Wiederum vielleicht etwas überraschend: Der erste Dienst des Beichtvaters ist das Gebet. Er soll für sich und für die Beichtenden vorher beten. Er stelle sich sein Gegenüber stets vor „ut imago Dei, reparata Christi sanguine, et eo perfusa—als Ebenbild Gottes, erlöst durch das Blut Christi, von diesem Blut überströmt“. Wenn jemand keine Beichtpraxis hat, und nicht weiß, was er tun soll, dann soll ihn der Beichtvater zum Hinknien einladen und mit ihm das Kreuzzeichen machen (man erinnere sich an Ignatius *Predigt!*). Dann sprechen Beichtvater und Pönitent gemeinsam das allgemeine Schuldbekenntnis bis zu den Worten „durch meine Schuld“ (11). Dadurch soll der Büßende Mut schöpfen, wenn er sieht, dass auch der Beichtvater sich als Sünder bekennt. Der Beichtvater soll nicht von sich aus beginnen, nach Sünden zu fragen; er darf sich jedoch in etwa über den Lebensstand der Person, den Zeitabstand zur letzten Beichte erkundigen. Dagegen soll er gleich zu Beginn den Beichtenden nicht im Unklaren darüber lassen, dass er willens sein muss, von einem Zustand der Sünde zu lassen—das heißt etwa von Wuchergeschäften, Konkubinat oder Feindschaften—wenn er Vergebung wolle. Wenn er dazu noch nicht bereit sei, solle man ihm raten, er solle beten, dass die Gnade in ihm eine Tür finde, und dann wieder kommen.

Abgesehen also von dieser grundsätzlichen Klarstellung, soll der Beichtvater sein Gegenüber sprechen lassen, und selbst „aufmerksam zuhören, ohne zu unterbrechen“—außer der Beichtende finge an, sich über Nebensächliches oder andere Personen zu verbreiten. Eventuell notwendige Nachfragen seien mit viel Klugheit und Vorsicht zu stellen, „damit man nicht den Beichtenden etwas lehrt, was dieser noch gar nicht weiß“. Einen Gewissensspiegel, der für solches Nachfragen dienen kann enthält *Anhang I*. Dieser folgt im Großen und Ganzen dem Dekalog. Die einzelnen Gebote werden unter den Gesichtspunkten der Verfehlung in Gedanken, Worten, Werken oder Unterlassungen vor Augen geführt. Dass das 10. Gebot unter dem 7. behandelt wird, das 9. unter dem 6., ist einsichtig. Frappierend dagegen scheint, dass das 8. Gebot—das Verbot der Lüge, genauer: des falschen Zeugnisses—unter das fünfte Gebot (Du sollst nicht töten) eingeordnet wird, mit der Begründung, dass damit die Ehre des Mitmenschen geschädigt oder vernichtet wird. Es folgt eine

kurze Passage eigens über die Laster der *superbia, gula* und *accidia,* während die übrigen Haupt- bzw. Quell-Laster unter den bereits bedachten Geboten des Dekalogs für genügend berücksichtigt gehalten werden,[65] bzw. im Anhang II (45r–47r: *De propriis remediis peccatorum*) nochmals aufgenommen werden. Auffällig ist, welche Gebote den meisten Raum einnehmen: Es sind dies das 1. Gebot und das 5. Gebot (dieses nimmt dreimal so viel Raum ein wie das 6.); auch das 4. Gebot wird ausführlich behandelt, denn hier werden alle sozialen Bezugsfelder vor Augen geführt, nicht nur die Beziehung zu den Eltern, sondern zu Kindern, Vorgesetzten, Untergebenen. Unter das 4. Gebot fällt die Unbarmherzigkeit gegenüber Armen, oder die Ungeduld, die den Mitmenschen in seiner Schwäche nicht ertragen mag. Zum besseren Merken schließt Polanco den Anhang I mit einem Fragekatalog in Vers-Form (34v–36r).

Anhang II widmet sich den Pflichten bzw. Gefährdungen bestimmter Personengruppen: Zum Beispiel verfehlen sich weltliche Machthaber durch ungerechte Steuern, oder wenn sie nicht einschreiten gegen Verbrechen, obwohl sie davon wissen, oder wenn sie Aufgaben wissentlich an unfähige Personen vergeben. Auch für Bischöfe, Richter und Anwälte, Notare, Eheleute, für Priester, Studenten, Ordensleute, Künstler, Geschäftsleute und Kinder gibt es „berufsspezifische Gewissensfragen". Und auch für akademische Lehrer (*doctores*)—hier zum Beispiel: Wenn jemand ein ausreichendes Einkommen hat, ob er etwa von Studenten noch etwas zusätzlich fordert, etwa sogar von den armen? Ob er das Lehramt angenommen hat, obwohl er die wissenschaftlichen Voraussetzungen nicht hat? Ob er Grade erstrebt oder andere zulässt zu einem bösen Ziel (mit der Bemerkung, bei Theologen sei das eine Todsünde)? Ob er sich um den Fortschritt der Studenten nicht kümmere? Ob sein Verhältnis zu den Kollegen Neid und Prahlsucht beherrschen, und ob er den anderen deswegen Studenten abziehe? Und dergleichen mehr.

In der Behandlung der einzelnen Gebote, vor allem in ihrer „Gedanken-" Dimension, wird sichtbar, dass es darum geht, die hauptsächliche Wurzel eines verkehrten Tuns aufzudecken, bzw. die spezifische Gefährdung einer Person zu heilen. Daher soll der Beichtvater als Unterstützung der *emendatio vitae* unter anderem das *Examen particulare*, die tägliche Gewissenserforschung am Abend empfehlen, in der die Person ihren individuellen schwachen Punkt unter die Lupe nehmen soll. Diesem Aspekt

[65] *„Quia tamen aliqua ex septem peccatis capitalibus non videbantur tam facile ad septem praecepta reduci, eorum tria seorsum tractantur."*

der geistlichen Förderung widmet sich das *dritte Kapitel.* Das Ziel des Buß-Sakramentes besteht zum einen in der reconciliatio mit Gott, aber auch in der zunehmenden Besserung des Lebens (19v) und im *augmentum gratiae* (22r); das heißt, der Mensch soll Großmut fassen, auch auf innere Anregungen Gottes zu hören. Gerade zu den beiden letzten Dimensionen kann der Rat des Beichtvaters viel beitragen.[66]

Die Rolle des Beichtvaters beschränkt sich also nicht nur auf die Hilfestellung zu einem rechten Bekenntnis, sondern auch zu einer rechten Reue, sollte diese nicht schon gegeben sein. Zu Skrupeln neigende Personen oder solche, die sowieso schon schwer niedergedrückt sind, „sollen behutsam aufgerichtet werden“.[67] Falls nötig, könne der Beichtvater ihnen zusagen, er werde vor Gott für sie Bürgschaft übernehmen.

Die zu verlangende Buße oder Genugtuung, so mahnt Polanco, muss der Person entsprechen. Man kann einem Dienstboten keine Wallfahrt auferlegen und für eine geheim gebliebene Sünde keine öffentlichen Akte verlangen. Man dürfe auch nicht mehr verlangen als jemand wahrscheinlich auch tun werde. Polanco rät, den Pönitenten auch wählen zu lassen. Die Wiedergutmachung der Schädigung eines anderen scheint sehr häufig gewesen zu sein.[68] Diesen Einzelfragen ist der *Anhang III* gewidmet.

3.2. *Methodus ad eos adiuvandos qui moriuntur*

Etliche Jahre später (Macerata 1575) veröffentlichte Polanco eine Handreichung „Wie man Sterbenden Beistand leistet“.[69] Da die Jesuiten in Spitälern und Gefängnissen häufig Sterbenden und zum Tod Verurteilten begegneten, die generell keinen regulären Seelsorger hatten,[70] sahen sie in diesem Beistand bald eine ihnen besonders zugedachte Tätigkeit. Gewiss wurden in der Zeit zwischen dem 15. und dem 17. Jahrhundert zahlreiche „Ars moriendi“-Büchlein verfasst, doch die allermeisten davon

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[66] So nennt Polanco fünf Mittel gegen Rückfälligkeit, die er aus Gerson übernimmt, und die man dem Beichtenden anraten kann.

[67] „[. . .] *diligentius erigendi: exemplis divinae pietatis, et animandi et pacificandi sunt. Et si opus est, recipiat ad se confessarius, quod Deo respondebit pro ipsis; et peccata interdum extenuare (quantum licet) cum huiusmodi necesse est.*“ (16r).

[68] Dies fällt auch im „Handbuch für Sterbebegleitung“ auf.

[69] Ich verwende im folgenden die Ausgabe Dilingae (Joannes Mayer) 1577. Eine wenig später ebenfalls in Dillingen erschienene deutsche Übersetzung ist über die Staatsbibliothek München digital einsehbar: *Underricht, die Sterbenden zu trösten. Ein Christenliches und gar nützliches hochnothwendiges Büchlein, für Priester und Layen, wie man den Krancken und Sterbenden, vermittels Göttlicher gnaden helffen und zuosprechen solle*, Dilingen 1584.

[70] O'Malley, *Die ersten Jesuiten*, 206.

richteten sich an eine Person, die sich auf ihr eigenes Sterben gut vorbereiten will.[71] Polancos *Methodus* dagegen gilt Personen, die anderen beistehen wollen.[72] Auch in diesem Fall lässt sich beobachten, dass das Büchlein ist nicht einfach eine Neu-Erfindung darstellt, sondern eine Synthese aus vorliegenden *Quellen*, wissenschaftlicher wie spiritueller Art, und der eigenen langen *Erfahrung*, wie es im Titel heißt: „ex complurium doctorum ac piorum scriptis diuturnoque usu et observatione collecta". Ganz ausdrücklich wird im *Vorwort* der Beistand für Sterbende zu den Kernaufgaben der Gesellschaft Jesu gerechnet, ja sie sollte das Glanzstück priesterlicher Sorge und Liebe sein:

> *Cum inter omnia, quae nostra Societas secundum instituti sui rationem ad Dei gloriam et Ecclesiae aedificationem praestare solet, ea opera maximi momenti censeatur, quae hominibus ab hac vita migrantibus impenditur, optandum es profecto magnopere, ut in hoc munere prae ceteris recte obeundo, nostrorum Sacerdotum diligentia et charitas elucescat* […] (p. 1)

Das Büchlein umfasst 20 Kapitel, im Kölner Druck etwa 200 kleine Seiten. Das 1. Kapitel (pp. 5–12) führt dem Priester den Ernst und die Größe seiner Aufgabe vor Augen; das letzte Kapitel betrifft die Verwandten bzw. weitere anwesende Personen; denn auch sie dürfen vom Seelsorger in dieser Situation geistliche Hilfe und ein aufbauendes Wort erwarten. Der größte Teil, die Kapitel 2 bis 19, sind der Sorge um den sterbenden Menschen selbst gewidmet. Dabei, so bemerkt Polanco im Vorwort, sind die ersten acht Kapitel sowie das Kapitel 19 von grundlegender Bedeutung—sie sind sozusagen „das tägliche Brot" und „man sollte sie sich ins Gedächtnis eingeprägt haben" (p. 3)—, die Kapitel 9 bis 18 befassen sich mit besonders schweren Situationen.

Das erste Kapitel zeigt, dass man sich Größe der Aufgabe bewusst war. Polanco warnt vor Selbstüberschätzung (p. 6 f.): Der Seelsorger solle als erstes sich darüber im Klaren sein, dass menschliche Kräfte für diesen Dienst keineswegs ausreichen. Es könnte manches auf einen zukommen, mit dem man nicht gerechnet hat. Menschen in schwerer Krankheit, von Angst und anderen Affekten verstört, sind oft nicht mehr in der Lage, an die wichtigsten Dinge zu denken. Zugleich aber solle der Seelsorger bedenken, dass er in dieser entscheidenden Stunde in ganz besonderer Weise als „Mitarbeiter Gottes zum Heil der Seelen" berufen sei (*opus* […]

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[71] Auch von Jesuiten gibt es solche Betrachtungen: O'Malley, *Die ersten Jesuiten*, 206 f.

[72] Diese Gattung von Schriften könnte ihren Anfang in Jean Gerson, La médicine de l'âme, haben: O'Malley, *Die ersten Jesuiten*, 207.

cooperandi Deo ad salutem animarum). Um dieser Aufgabe so gut wie möglich zu entsprechen, ist zunächst die Intention entscheidend, ein tiefes Verlangen nach dem Heil der von Gott so sehr geliebten Menschen:

> *Purissimam habeat intentionem iuvandi morientes in tanta necessitate ad ultimum finem suam assequendum, considerando, quod imago Dei, quod Christi membra, quod ipius sanguine et vita redempti sunt: et quasi substituatur a Christo, ad illos adiuvandos, quod ipse tantopere diligit, et quorum salus in ipsius magnum honorem et gloriam cedit, excitet in se vehemens salutis eorum desiderium, et omni studio cooperari Dei providentiae conetur, ne fructus mortis domini nostri Iesu Christi in eis pereat.* (p. 7 f.)

Die erste Pflicht des Priesters ist daher zu *beten*, für alle Sterbenden, und ganz besonders für denjenigen, zu dem er gerufen wird. Auf dem Weg soll er auch *überlegen* und sich darauf einstellen, was er sagen wird; denn nicht in jeder Situation und nicht für jede Person ist das Gleiche angebracht (p. 9). Es erinnert an das berühmte III. Buch der *Regula Pastoralis* Gregors des Großen, wenn Polanco schreibt: Anders müsse man mit gelehrten als mit unwissenden Personen, anders mit gereizten und ungeduldigen als mit ruhigen und ergebenen umgehen, anders, wenn jemand große Schmerzen hat als wenn er schmerzfrei ist; und selbstverständlich ist auch zu berücksichtigen, ob genug Zeit ist, oder nicht. Wichtig ist auch, ob der Kranke noch hört, wenn man etwas mit gedämpfter Stimme sagt. Sollte der Seelsorger die Person und ihre Lebensumstände nicht kennen, soll er die Gelegenheit nützen, sich noch auf dem Weg über die näheren Umstände zu erkundigen (p. 10 f.). Wenn er das Haus betreten hat, soll er „nicht unvermittelt anfangen“ (*non ex abrupto incipiat*: p. 11), sondern den Kranken und die Anwesenden begrüßen, nach dem Befinden fragen, Mitgefühl haben und es auch zeigen. Wenn die kranke Person selbst etwas sagen will, soll er ihr zuhören; und er soll sich hüten, ihr eine Last zu sein (*ne taedio afficerat*), sei es durch das, was er sagt, oder durch zu lautes Sprechen oder durch unnötige Wiederholungen. Am Krankenbett ist zu beachten, dass man „nicht an einem Stück alles ausspricht, was zu sagen ist“, dass man sich Zeit nimmt und das Gespräch nach Inhalt und Sprache variiert, entsprechend dem Aufnahmevermögen des Kranken; dass man auch dazwischen wieder einmal schweigt oder betet, damit der Kranke das Gesagte besser aufnehmen kann oder auch etwas ausruhen kann, oder damit dieser selbst auch etwas sagen kann:

> *non uno contextu omnia dicendo, nec properanter, nec uno tono, sed paulatim dicet quae opportune dici et audiri ab aegroto poterunt, interrumpendo filum dicendorum partim silentio, ut melius ille digerat quae audivit, vel sponte sua*

> *utiliter cogitet, vel ut quiescat; partim interrogando de aliis rebus communibus et partim orando pro eo, et alios ad hoc ipsum hortando*. (p. 10)

Auch solle der Seelsorger nicht im Stil der Belehrung reden, sondern eher so, als wolle er etwas in Erinnerung rufen. Er soll versuchen, den Kranken zu „trösten", liebevoll und klug *(prudenter et amanter)* mit ihm umgehen, und so seine Zuneigung gewinnen, damit er auch gern hört, was sein Heil betrifft.

Wie solche Tröstung gegeben werden kann, zeigt zum Beispiel das 2. Kapitel. Nach der Begrüßung des Kranken kann zuerst eine Passage aus dem Evangelium gelesen werden, der Priester kann eines der gebräuchlichen Gebete sprechen, den Text über die Krankensalbung aus dem Jakobus-Brief lesen, oder betend dem Kranken die Hände auflegen. Dann soll er sich zu ihm setzen. Je nach den Umständen—ob der Kranke bereits gebeichtet hat, ob das Sterben bereits unmittelbar bevorsteht oder ob noch Zeit zu sein scheint—kann der Priester im Gespräch anknüpfen an das, was er (von anderen) gehört hat, oder was ihm der Kranke vielleicht auf Fragen geantwortet hat. Er soll ihn daran erinnern, dass menschliche Hilfe und ärztliche Kunst zwar an ein Ende kommen können, niemals aber die Hilfe Gottes, des allmächtigen und liebevollsten Vaters, und die Treue des wahren Freundes Jesus Christus, der auch dann noch bei einem bleibt, wenn alle anderen einen verlassen:

> *[…] nunc tempus esse, cum humana auxilia parentum et amicorum et medicorum parum ipsum sublevare possint, ut toto se corde ad Patrem caelestem convertat, qui ut amantissimus vult, et ut omnipotens potest ipsum iuvare, vel sanitatem (si expedit) restituendo, vel in omnem eventum sanitatem et vitam perpetuam ei tribuendo: convertat etiam se et spem suam erigat in verum amicum Iesum Christum, qui tantopere ipsum dilexerit, et pro eo sanguinem suum totum effuderit; quae probatio amicitiae perfecta fuerit, nam (ut ipse testatur) maiorem dilectionem nemo habet quam ut animam suam ponat quis pro amicis suis. Christus est amicus vere fidelis, qui cum alii deserunt, scilicet in morte, quod nolint vel non possint prodesse, tunc ipse maxime et vult et potest amicos iuvare. idem etiam est sapientissimus medicus, qui non solum corpus (cum id convenit) ad brevem huius vitae periodum, sed animam etiam, per gratiam suam sanat et post resurrectionem […] corpora sanabit.* (p. 14 f.)

Mit solchen Worten werde Liebe und Vertrauen geweckt und damit auch die Bereitschaft zu einer Reue, die nicht bloß aus Furcht genährt ist, und zur Beichte.

Die Versöhnung mit Gott schließt die Versöhnung mit den Mitmenschen ein. Darum soll im Gespräch mit dem Kranken auch angesprochen werden, ob er jemandem noch etwas an Wiedergutmachung im materiellen

Bereich schuldet, damit dies nach Möglichkeit noch durch ihn selbst oder durch seine Erben in Ordnung gebracht werden kann. Auch die Frage nach öffentlich bekannten Feindschaften soll gestellt werden: Nach Möglichkeit soll das Aufgeben der Feindschaft dann vor einem Notar und Zeugen bekräftigt werden. Sollte es sich um eine geheim gebliebene Feindschaft handeln, genügt die Bereitschaft zu Verzeihung oder um Verzeihung zu bitten (p. 23).

Das Kapitel schließt mit der Ermahnung, dass der Kranke nach der Beichte das Viaticum empfangen möge, solange er noch bei Bewusstsein ist. Als ordentlicher Spender wird der Pfarrer (*parochus*) genannt, es kann aber auch mit seiner oder einer übergeordneten Autorität Bevollmächtigung ein anderer Priester sein. Desgleichen soll dem Kranken der Empfang der *extrema unctio* nahegelegt werden. Man solle ihm auch erläutern, was dieses Sakrament bewirke: Zum einen werde der Mensch „gestärkt für den Aufbruch in das himmlische Reich, er werde dadurch der Lasten seiner Sünden und was von ihnen noch als Rest geblieben ist, frei“ (*a peccatis et eorum reliquiis per eam expeditus:* p. 25); zum andern fördere das Sakrament auch die leibliche Gesundheit, sollte dies dem Erkrankten zum Heil sein. Polanco mahnt, man solle mit der Spendung dieses Sakraments nicht warten, bis der Kranke nicht mehr bei Bewusstsein sei; er solle vielmehr noch die Worte verstehen (*intelligat, quod dicuntur*) und die Antworten geben können. Sollte er aber bereits bewusstlos sein, so ist das Sakrament ebenfalls zu spenden; denn der Kranke hat zwar dann nicht mehr das stärkende Erleben des Mitvollzugs (*fructus devotionis*), aber die wesentliche Wirkung des Sakramentes wird ihm dennoch zuteil.

Die folgenden Kapitel erinnern daran, dass man gegenüber dem Sterbenden auch die Sorge um seine Angehörigen und seinen letzten Willen, was seinen Leib und seine Güter angeht, ansprechen soll. Besonderes Gewicht liegt auf der Stärkung in den drei Tugenden, die sich direkt auf Gott beziehen: Glaube, Hoffnung und Liebe (Kapitel 5 bis 7). Ab Kapitel 9 widmet sich Polancos Handreichung besonders belastenden Situationen, in denen die Aufgabe des Beistehens alle geistlichen Kräfte fordert: Wie soll man eine Person trösten, die sehr am Leben hängt und mit dem Willen Gottes hadert (Kapitel 9, 11), was kann man sagen, wenn jemand aus irgendwelchen Gründen den Tod maßlos fürchtet (Kapitel 10)? Wie kann man jemandem helfen, der unter schweren Anfechtungen gegen den Glauben leidet oder in Gefahr der Verzweiflung an seinem Heil ist (Kapitel 12 und 13)? Umgekehrt könnte es auch vorkommen, dass jemand sich wegen allzu großer Selbstsicherheit oder Selbstgerechtigkeit in Gefahr bringt (Kapitel 14). Dazu kommen Situationen, in denen der

Sterbende nicht mehr bei klarem Bewusstsein ist (Kapitel 15). Was muss getan werden, wenn er zwar bei Bewusstsein ist, aber nur mehr sehr wenig Zeit verbleibt (Kapitel 16), und was kann getan werden, wenn eine Person zwar bei Verstand ist, aber überhaupt nicht dazu geneigt, sich der Situation entsprechend zu verhalten (Kapitel 17)? Schließlich folgt ein langes Kapitel (etwa 30 Seiten) über den Beistand für zum Tod Verurteilte.

Im Kapitel 19 kehrt Polanco zu allgemein geltenden Ratschlägen zurück: Sie betreffen die Gebete, die der Priester und die Umstehenden[73] sprechen sollen, darunter vor allem das Apostolische Glaubensbekenntnis; Litaneien und eine Reihe von bestimmten Psalmen werden speziell empfohlen (p. 194 ff.), die Besprengung mit Weihwasser und das Kruzifix, das man dem Sterbenden zum Trost zeigen und zum Kuss an seinen Mund bringen soll.

Das gesamte Büchlein verdiente eine eingehende Würdigung; denn „nirgendwo werden die beiden Grundideale der pastoralen Theorie der Jesuiten deutlicher ausgedrückt als im *Methodus*".[74] Doch konnten im Rahmen dieses Beitrags nur einige Aspekte—aus dem 1. und 2. Kapitel—ans Licht gehoben werden.

Wie Polancos *Directorium für Beichtväter und Beichtende* ist auch die *Handreichung zur Sterbebegleitung* ein sprechendes Zeugnis für die Verbindung von Spiritualität und pastoralem Handeln. Beide Werke zeigen auch, wie die Tradition geistlicher Literatur der vorangegangenen Jahrhunderte wachen Blickes aufgenommen wurde und mit den spezifischen Schwerpunkten des modus noster procedendi, der offenkundig in der Erfahrung des Ignatius selbst wurzelt, eine fruchtbare Symbiose einging.

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[73] Dabei erscheint dem heutigen Leser sicherlich merkwürdig, dass darunter keineswegs in erster Linie die Kinder oder die Ehefrau des Sterbenden gemeint sind; im Gegenteil: ihr Anblick könnte dem Sterbenden das Abschiednehmen erschweren: „*Removeantur ab aegrotantis aspectu, qui bonam ipsius praeparationem ad moriendum impedire possent, ut esse solent persaepe filii et uxor, qui potius humanos affectus, quam spirituales in eo provocarent; secus esset, si spirituales et ad infirmum adiuvandum idonei crederentur*." (194 f.).

[74] nämlich „die Notwendigkeit für den Seelsorger, sich der jeweiligen Situation anzupassen, und seine Rolle, Trost zu spenden, wirksam werden zu lassen": O'Malley, *Die ersten Jesuiten*, 207.

BUSINESS MORALITY AT THE DAWN OF MODERNITY: THE CASES OF ANGELO CORBINELLI AND COSIMO DE' MEDICI

Rudolf Schüssler

Historical sources tell us that the consciences of late medieval businessmen—such as the Florentines Angelo Corbinelli and Cosimo de' Medici—were apparently strong enough not to indulge in dubious business practices. Corbinelli claimed to have shied away from possible usury, whereas, according to several sources, Cosimo de' Medici did penance for potentially wrongful gain. Does this information help us to gain a better understanding of whether the moral attitudes of business people changed in the early modern era, especially with regard to profit-making and its moral control? The historian Lawrin Armstrong thinks so and the present paper agrees.[1] But the present paper disagrees with Armstrong's conclusion. Corbinelli and Cosimo were not recognizably more scrupulous than modern business people if the circumstances of their actions are taken into account. A modest version of universal economic man may thus suffice to represent pre-modern as well as modern business behavior.

With this claim in the open, the significance of our late medieval cases needs some comment because at an initial glance they can easily be shrugged off. It is clear that two cases cannot furnish conclusive evidence for or against the economic approach to business behavior. Economic theory is about mass phenomena and it may fail in two cases without negative consequences for the theory. Armstrong avoids this objection by indicating that many similar cases to Corbinelli and Cosimo—whom he mentions only in passing—exist. Moreover, a real challenge to the economic approach is to consider that apparently moral behavior can be economically rational. If amoral behavior leads to foreseeable sanctions and economic losses, *homo oeconomicus* will feign morality.[2] The economic model of man should

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[1] See Lawrin Armstrong, "Usury, Conscience and Public Debt: Angelo Corbinelli's Testament of 1419", in *A Renaissance of Conflicts*, eds. John A. Marino and Thomas Kuehn (Toronto, 2004).

[2] Some rational choice theorists claim that for his own good *homo oeconomicus* might instead acquire moral dispositions which constrain opportunistic behavior. However, acquiring dispositions would only be rational (or selected for) if it would pay more than mimicking moral dispositions. In order to show this, rational choice explanations often

therefore be tested under conditions where external sanctions and benefits do not suffice to induce apparently moral behavior. This requirement was very likely satisfied in the "grey areas" of medieval business morality. The history of pre-modern casuistry, i.e. a practical case-based morality, tells us that these grey areas were already considerable in the fifteenth century (and they grew further in the early modern era). Armstrong has correctly pointed out that the actions that led to Corbinelli's and Cosimo's moral scruples were not clearly amoral according to late medieval standards. They were morally disputable but usually not punished and moreover not uncommon. It would be hardly compatible with the economic approach to human behavior if business people showed qualms about profit-making even under such conditions, above all if they interacted on competitive markets. In competitive economies, profit-making is rewarded by success, and moral restraint—if present at all—should be reduced to the avoidance of clearly improper actions. This is true for all ages and all systems of morality that have grey areas. Hence, we do not have to bother about differences in content between pre-modern and modern ethics, as long as we may assume that the late medieval European economy was already a competitive market economy.

It should also be recognized that feelings of moral guilt provide a better yardstick of variations in moral motivation than donations. Business people from all historical epochs have a well-known propensity to donate money for philanthropic (religious, charitable, etc.) purposes, but hardly any modern philanthropic donor declares to be motivated by pangs of conscience. This is a clue that we should pay attention to any self-depreciating moral claims of pre-modern business people rather than to their willingness to pay for public or clerical projects.

The listed conditions are apparently satisfied in the cases of Angelo Corbinelli and Cosimo de' Medici and they seem to support the assumption that late medieval business people were more sensitive to pangs of conscience than their modern counterparts. But the cases also provide information for a deeper probe into the probable motivations of our agents—a probe that allows us to "unmask" and debunk apparent motives and to strengthen the economic outlook.[3] The method of unmasking has

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use *deus ex machina* assumptions like intentions that shine through or a sufficient detection probability (with a negligible opposite statistical error) for exploitative behavior. Such assumptions render rational choice dispositional accounts doubtful.

[3] I would like to point out that a defence of the economic approach does not necessarily include a normative statement. It does not suggest that profit maximization is morally acceptable or in any way good. However, it does imply that attempts to restrict the profit

the disadvantage of repeating the obvious to its adherents and of never being convincing enough for its critics. Unmasking tries to show that apparently unselfish actions are compatible with selfish motives at closer inspection, which may seem to be a poor approach for securing evidence for it does not prove that selfish motives really were the causes of actions. Nevertheless, if the burden of proof is on the proponent of unselfish motivation, the counter-strategy of unmasking can be effective. This has some bearing on the debate about a change in early modern economic attitudes. The long-standing argumentative deadlock in this debate favors the side that can avoid the burden of proof, and it seems reasonable to require of those who postulate a difference that they present sufficient evidence. Therefore, the notorious openness of the debate about changing economic attitudes favors the defenders of "no change". They succeed if they can show—case by case—that apparently moral behavior is compatible with the economic model of man.

It should be noted, however, that no streamlined and strongly idealized economic model of man is defended here. The cases of Angelo Corbinelli and Cosimo de' Medici indeed contain some clues as to how a realistic economic model of man should be construed, and this is part of their attractiveness. It is not necessary to assume fully amoral rational actors if the profit motive is regarded as a product of competitive pressures. In this case, remnants of moral motives can become evidence for the process by which moral motives are dissolved, driven back or bent under the pressure of economic interests. Such remnants, which exist in our cases, confirm rather than confute a suitable economic approach to human behavior under competitive pressures. The resulting image is closer to the classical picture of economic man as painted by Adam Smith and his contemporaries than it is to many of its abstract neoclassical renderings.

1. *The Case of Angelo Corbinelli*

Angelo Corbinelli, a rich wool merchant from Florence, registered a remarkable last will on 27 April 1419.[4] He not only allowed for the restitution of

motive in market economies by mere moral suasion, character formation or the guiding of consciences will very likely fail. Hence, the present paper indirectly comments—in a negative way—on a trend in business ethics that assumes that internal moral motivation can suffice to restrain capitalism.

[4] Corbinelli's case is presented on the basis of Armstrong, "Usury, Conscience", whose appendix contains Corbinelli's testament.

ill-gotten gains, as many merchants did, but also claimed never to have participated in the morally questionable trade in government debt bonds. At least according to some medieval authorities on the subject, such trade violated the strict usury prohibitions of canon law. Usury consisted in taking interest on a loan (*mutuum*).[5] However, interest-bearing government loans as such were not regarded as usurious by legal or theological experts. Inhabitants of Italian cities were often forced to lend to the government at interest, and in this case the acceptance of interest was not regarded as a sin because it could be justified as compensation for coercion. Moreover, in the eyes of their apologists, government debt bonds served the public good, which helped to make them morally acceptable. On the other hand, some theologians insisted that interest on a loan was unjust and uncharitable regardless of the kind of loan, and this criticism *a fortiori* included the more or less free market for bonds that existed in bond-issuing cities.[6] Buying or selling in these markets was a fully voluntary activity done for gain, liquidity or for selling off junk bonds. The excuse of merely obeying the government obviously did not carry over to the bond market. But lawyers found excuses nevertheless. From a widely shared formal point of view, the buying or selling of bonds was exactly that: an activity pertaining to the category of purchase-and-sale contracts (*emptio-venditio*). Since usury was only predicated by the different contract category of loan, no restriction against the purchase and sale of appropriately priced government bonds existed.[7] Moralists who were either more scrupulous or less fond of a market economy objected that trading in bonds was just a means to profit from interest-bearing loans. It should therefore be treated like a usurious loan. As with many problems of medieval practical morality, the dissent among experts concerning the usurious character of bond trading persisted for centuries, with notable swings of the majority opinion to one side or the other. Ordinary people were more than a bit upset by the

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[5] On the medieval usury prohibition in general see Lawrin Armstrong, *Usury and Public Debt in Early Renaissance Florence* (Toronto, 2003); Odd Langholm, *Economics in the Medieval Schools. Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition 1200–1350* (Leiden, 1992); T.P. McLaughlin, "The Teachings of Canonists on Usury", *Medieval Studies* 1 (1939), 81–147; 2 (1940), 1–22; John Noonan, *The Scholastic Analysis of Usury* (Cambridge/Mass., 1957). For the discussion about usury and government bonds see Armstrong, "Usury", 178.

[6] According to Maria Ginatempo, *Prima del debito Finanziamento della spesa pubblica a gestione del deicit nella grandi città toscane (1200–1350)* (Firenze, 2000), 17. Corbinelli's Florence had a peculiarly free market for debt bonds.

[7] It should be noted that many scholastic economic moralists regarded the market price to be the appropriate price—or just price—if no countervailing reasons existed.

moral uncertainty arising from long-term expert dissent. Many of them had serious scruples about engaging in morally controversial behavior. The present paper will touch upon the question of whether these kinds of scruples were recognizable even among late medieval merchants. In the case of Corbinelli at least, his scruples seem to have prevented him from entering the profitable business of buying or selling government bonds.

This is a remarkable fact given the widespread conviction among economists that the forces of the market do not allow for too much scrupulosity in matters of business. Of course, this conviction is mainly derived from theorizing about the functioning of modern markets. But (so-called) neoclassical economists usually believe in the wider application of their behavioral model of man. There are several methodologies of economic theory and any reasonable discussion of the merits and shortfalls of *homo oeconomicus* has to specify the background against which a model of man is to be assessed.[8] Unfortunately here is not the place to investigate the plural options of economic methodology. Therefore, a single basic assumption—that competition in a money economy will put a premium on profit-making and entails that profit-oriented action is taken at the expense of some differently motivated action—must suffice as a springboard for discussion.[9] Some notable further assumptions will be added in the discussion of our cases and summarized at the end of the paper. Under the given premise, medieval and early modern merchants should have acted no less in a profit-maximizing way than their modern counterparts. "No less" does not imply, however, that modern business people and their ancestors have to display perfect economic rationality. It is well known that real people do not act as prescribed by ideal theories. But the differences between ideal models and reality should be similar for business people in both periods if markets were similarly competitive. If market competition increased in modern times, this should result in stricter profit maximization, but we should not expect the differences to be too large as long as these pre-modern economies were market economies. In particular, medieval merchants should be no more prone to obviously foregoing easy profits because of moral scruples than their modern successors. Corbinelli's case would, of course, not prove this parallel

[8] See Glen Fox, *Reason and Reality in the Methodologies of Economics* (Cheltenham, 1997); Gebhard Kirchgässner, *Homo oeconomicus* (Tübingen, 2000).

[9] This is a standard economic assumption and embodied, for example, in the economic methodology of Friedman Milton, "The Methodology of Positive Economics", in Milton Friedman, *Essays in Positive Economics* (Chicago, 1974), 1–43.

wrong even if his apparent scrupulosity were to be confirmed upon closer scrutiny. Neoclassical economics makes assumptions about the average behavior of large numbers of people and, hence, one case cannot falsify its predictions. But Corbinelli's case is apparently a piece in a larger mosaic of historical information that disconfirms the neoclassical economic worldview. This is how the case is treated by the historian Lawrin Armstrong, at least, who has analyzed it in detail. Armstrong argues against other historians who are willing to accept the economic model of man as an explanatory tool for medieval economic behavior. If they were right, the huge economic expansion of Europe between the years 1000 and 1300 was only possible because Europe slowly but surely became a market society. The massive normative superstructure of Christian theology with its host of restrictions on economic action had hardly any more behavioral impact than modern business ethics. Certainly, the means of moral control were rather different in the Middle Ages. Modern business people no longer fear canon law. However, they fear the yellow press and a bad public image in the mass media. We do not know which of these different technologies of control causes stronger restraint, and it is possible to assume that both are open to subversion by market forces and individual egoism. With respect to pre-modern economic morality, this suggests that the usury restrictions of canon law hardly tied the hands of pre-modern lenders.

Opponents of this view maintain that the huge waves of religious and moral scrupulosity in the late medieval period had a deep impact on the lives and actions of people.[10] Such an outlook provides at least *prima facie* credibility to the claim that the action guiding set of beliefs of medieval economic actors was sufficiently different from their modern counterparts so as to thwart an application of the *homo oeconomicus* model. And Corbinelli is Armstrong's master witness. Corbinelli apparently claims to have forgone profitable business opportunities because of moral scruples.

We will inspect Corbinelli's testament to get a clearer picture of its role in this dispute. For the moment, however, we must first declare what is not at stake. Medieval merchants quite often donated large sums of money for religious or charitable purposes in their wills. Such donations may largely be regarded as the result of a religious version of the well-known propensity of business people to engage in philanthropy. Thus, the difference between modern and pre-modern business people should

[10] See Jean Delumeau, *Le péché et la peur* (Paris, 1990).

not be exaggerated if we do not ask for what the money was spent and how this depended on the world view of the spender. Moreover, medieval merchants faced various economic incentives to donate through wills. There are signs that medieval usury restrictions were often enforced posthumously and against the heirs of a fortune (like a kind of inheritance tax). The issuer of a testament therefore had strategic reasons to show contrition and throw a bone to the moral watchdogs of the Church (or to secular authorities) in order to avoid trouble for his family and the memory of his person.

Under these premises the willingness to let business opportunities pass because of moral scruples is a better indicator of a heightened moral sensibility than the restitution of clearly ill gotten gains.[11] In any case, we should focus on sensitive scrupulosity rather than a mere willingness to do one's clear and unequivocal moral duty. And medieval businessmen had no clear duty to refrain from debt bond trading. As has been pointed out above, the experts quarreled about the legal and moral legitimacy of this kind of business. Scholastic theology assumed *ceteris paribus* that expert dissent led to moral uncertainty. From the twelfth century onward, rules for decision-making under moral uncertainty were adopted in order to ward off moral guilt.[12] This means that a moral decision-maker could insure against moral guilt by following an appropriate decision procedure in morally risky situations.[13] The basic premise was that nobody becomes guilty without being able to avoid sin and that therefore a strategy of permitted and hence guilt-free moral action must always exist. In consequence, appropriate moral risk management was a means to ward off guilt and to guarantee—as it was called—a safe conscience.

Merchants were among the main profiteers of the evolution of scholastic ideas about moral risk management. As the Middle Ages waned, the rules governing decision-making that produced safe consciences became more permissive and compatible with the needs of a market society. By the time Corbinelli wrote his testament, a quite tolerant stance had widely gained ground. This does not mean that usury was legitimized, but that uncertain cases were increasingly decided in favor of economic agents by major

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[11] This is also true for the Medici case, which appears interesting enough nevertheless.

[12] For the history of medieval methods of coping with moral uncertainty, see Ilkka Kantola, *Probability and Moral Uncertainty in Late Medieval and early Modern Times* (Helsinki, 1994); Rudolf Schüssler, *Moral im Zweifel* (Paderborn, 2003).

[13] In the eyes of medieval theologians and lawyers, moral risk was mainly a danger for the eternal good of souls resulting from uncertainty whether an action is licit, mandatory or prohibited under given circumstances.

counselors of conscience. As Jean Gerson, chancellor of the University of Paris and one of the foremost theologians of Corbinelli's time, pointed out, a merchant was safe in conscience if he followed the opinion of reputable experts in matters of usury. And many reputable experts regarded the bond trade as morally legitimate. Gerson also warned against the negative effects of too much scrupulosity.[14] The theologian John of Dambach, who influenced Gerson considerably, plainly stated that many high-ranking people had become afraid of making decisions because of excessive scruples—which was a bad thing in his eyes.[15]

Against this background it becomes clear that Corbinelli was not morally obliged to harbor scruples concerning the debt bond trade. If at all, he simply had them, but without further evidence this should not be construed as a sign that strong normative pressures were gnawing at him. Corbinelli may even have been a hypocrite as the wording of his testament betrays. He admits that his name is in the official lists of the government debtors, although he claims not to have bought debt bonds:[16]

> The testator stated and declared that he never bought credits in any of the *monti* of the commune of Florence, although he is indeed described as a creditor in the books of the *monti* of the said commune for several sums of money and gold florins on account of *prestanze* and obligations he himself paid as well as those paid by his family and brothers.

Armstrong interprets this passage as denying that Corbinelli had ever traded in the free bond market. Indeed, it is plausible that Corbinelli wants to convey that he never bought bonds in the market, whereas he probably had been forced to buy debt bonds from the government in order to finance the public debt. The reasons he gives for his restraint are highly moral:[17]

> And because the testator himself often witnessed many masters, bachelors and other theologians dispute whether it was licit to accept payments on the aforementioned sums, and because he both saw and heard it said that highly judicious masters and theologians hold contrary opinions on this question, he was unable to be certain in his conscience.

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[14] For Gerson on usury, see Jean Gerson, "De contractibus", in Jean Gerson, *Oeuvres completes*, ed. P. Glorieux (Paris, 1960–73) 9: especially 402. For Gerson on scrupulosity see Jean Gerson, "De consolatione theologiaea", in ibid. 9: especially 228; Jean Gerson, "De remediis contra pusillanimitatem", in ibid. 10: 374.

[15] See Johannes von Dambach, *Consolatorium theologicum* (Colonia, 1502), lib. 14, cap. 5.

[16] Armstrong, "Usury, Conscience", 187.

[17] Ibid., 187.

But, as we have seen, considerations of moral safety did not oblige Corbinelli to be so shy. He had the excuse of dissent among experts, but apparently his conscience was too delicate to use it. Hard-nosed economists will now ask how much his delicate conscience cost Corbinelli. This will probably remain an open question. There are reasons to doubt that buying government bonds on the free market would in general have been a good investment strategy for a merchant. After all, merchants could invest their money in their own businesses or in joint ventures of which they understood a thing or two. Reinhold Mueller found a predilection for investment in high-risk, high-gain ventures among Venetian merchants and Claude Carrère has noted the same tendency in Barcelona and Aragon.[18] In Venice, professionals like lawyers or doctors, wealthy widows and foreign noblemen demonstrated a relish for buying government bonds. Merchants, on the other hand, had an incentive to sell some of the bonds they were politically forced to acquire in order to gain liquidity or to reduce debt risks. Francesc de Eiximenis, a late fourteenth-century Franciscan and an economic advisor of the Aragonese king, confirms this assumption by warning that merchants should not be pressed too hard to lend money to the government because this will crowd out business investment—an investment that Eiximenis regarded as better for the merchants and for the whole community.[19] In final consideration, Corbinelli may have had no good reason to buy bonds on the free market, and hence refusing to do so was probably no sacrifice at all.

Selling bonds, however, is a different matter. Selling involuntarily acquired bonds in the free market would make good economic sense for a merchant who wanted to shift investment to the most profitable assets. But selling was no less morally doubtful than buying bonds because it nourished usury as well. Therefore, refusing to sell would have been punctiliously moral and probably costly, too. Corbinelli, however, does not say that he never sold bonds. His testament only maintains that he never bought any (*numquam emit*). This may be a mere oversight but it reeks of hypocrisy. Certainly, a truly scrupulous businessman would refrain from buying and from selling debt bonds in the free market, and why not say so?

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[18] See Reinhold Mueller, *The Venetian Money Market. Banks, Panics and the Public Debt, 1200–1500* (Baltimore, 1997), 359 ff.; 403 ff.; Claude Carrère, *Barcelone centre économique á l'époche des difficultes 1380–1462* (Paris, 1967) 1: 178.

[19] Francesc Eiximenis, *Regiment de la cosa pública*, ed. D. De Molins de Rei (Barcelona, 1927), 178.

It is clear what a hard-nosed neoclassical economist will think: never trust a businessman who praises his own morality.

But we should not jump to any conclusions. Corbinelli's case contains peculiar reasons for scrupulosity or at least for feigning scrupulosity. His testament makes a crucial reference to the decisions of a church council, as Armstrong rightly emphasizes.[20] Almost certainly the reference is to the Council of Constance where important decisions concerning usury and economic morality were made. Corbinelli's testament was officially validated just one year after the council. The decisions taken there were still news then, especially in Florence where some key actors of the council convened. In June 1419 the new pope Martin V and his deposed predecessor Baldassare Cossa (John XXIII) met in Florence to settle their conflict.[21] This was a further step towards healing the Great Western Schism that had divided the Catholic Church. The end of the long schism nourished great expectations concerning a reform of the Church. The new found unity would probably help to reform practical morality by ending the clash of expert opinions that made moral guidance so difficult. Under these premises it becomes understandable if Corbinelli did not trust the benefits of doubt that legitimized bond trading. However, the immediate shadow of a council can also have produced hypocrisy.

A direct connection between council decisions and uncommon moral restraint can be gleaned from a case that occurred a century before Corbinelli's. Reinhold Mueller mentions the case of Guiglielmo da Castelbarco in his *opus magnum* on banking in medieval Venice.[22] In 1316, Castelbarco held shares in the Venetian grain fund. Investment in the grain fund bore interest in a similar way to government bonds. In fact, the Venetian grain fund was largely used for financing government expenditure. Castelbarco rejected all interest on his shares and did not even accept presents of expensive cloth, which the *signoria* of Venice apparently offered as a substitute. Such demonstrative correctness was rather exceptional given that most (like Castelbarco) non-Venetian shareholders of the grain fund were happy to have the opportunity of a safe, government guaranteed low interest investment. Moreover, such investment was not plainly usurious as long as the received interest was not fixed in advance but varied with market conditions. Hence, moral uncertainty

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[20] Armstrong, "Usury, Conscience", 190.

[21] See Eustace Kitts, *Pope John the Twenty-third and Master John Hus of Bohemia* (London, 1910), 430.

[22] See Mueller, *The Venetian Money Market*, 367.

could be invoked in defence of interest taking. But in Castelbarco's case exculpation because of dissent among experts had not yet gained as much ground as a century later. And the Council of Vienne (1311/12) had issued an especially mordant damnation of usury shortly before. Again, we may assume that the proximity of the council had some impact on the unusual restraint displayed by Castelbarco.

The probable impact of two church councils may serve as a warning that the economic explanation of merchant behavior should not be pursued too rigidly. It seems likely that great events that harbor the expectation of moral change can have a notable behavioral impact. Some neoclassical economists tend to deny this effect, assuming that *homo oeconomicus* will disregard all moral appeals as mere word play (or as they say: cheap talk). But more careful observers may admit that shock waves of public opinion do not stop short of businessmen's minds. The economic paradigm can live with the claim that waves of expectations may sweep through societies as long as their strength is quickly reduced if they hit upon market forces. Under these premises, business people will soon notice that a church council has not changed the morality of the Church or of the world at large. And market forces will reward those who learn quickest. If this is taken into account, the cases of Corbinelli and Castelbarco, which occurred very shortly after church councils, fall in line with modern theories of economic behavior.

2. *Cosimo de' Medici*

Cosimo de' Medici (the Elder, 1389–1464) is a towering figure of the Italian Renaissance. Under him, the Medici bank rose to its greatest wealth, and Florence became the hub of Renaissance culture. Cosimo's prominence as an almost ideal Renaissance man motivates a special interest in the habits of Cosimo, the banker. It is often pointed out that he spent great sums of money on Church projects such as renovating the monastery of San Marco. At first glance it seems that Cosimo was under no moral compulsion to make donations. Lawrin Armstrong has pointed out that the Medici's money transactions were at best "occult" rather than manifest usury.[23] Therefore, they had no strong reason to fear sanctions against their business practices. And Cosimo's biographer Vespasiano da

[23] See Armstrong, "Usury, Conscience", 183.

Bisticci wants to make us believe that moral sensitivity was the cause of many donations.[24] Hence, we may regard the monastery of San Marco in Florence as visible proof of a powerful conscience.

It is not altogether easy, however, to believe in a conscience-driven Cosimo. His style as political leader of Florence was not noted for moral scrupulosity. With an allusion to modern Mafia folklore and a paper by Anthony Molho, he may be called *padrino patriae*, the Godfather of the Republic.[25] One of the best known sayings of Cosimo, and one Machiavelli remembered, was that a republic cannot be ruled with paternosters. And such a man should have been subject to scruples concerning doubtful business practices? On the other hand, scholars who have studied Cosimo in depth insist on the force of his piety and how much he cared for his soul. Dale Kent admits that many historians regard Cosimo's piety as showy and conventional, assuming that his building activities were done for the typical Renaissance set of mixed motives, namely for "the honor of God, the honor of the City, and the commemoration of me". But she insists that the intensity of Cosimo's concern for religion and his soul should not be underestimated. Kent warns modern observers that "salvation was the ultimate concern of even the most worldly of Renaissance Christians".[26] Another of Cosimo's sayings can be quoted in confirmation of this: "Have patience, O Lord, in me, and I shall return everything to you."[27] Cosimo's case might thus be regarded as a pillar of the hypothesis that the normative control of economic activities was still highly effective in the Renaissance—and probably more effective than moral restraint in the political sphere.

In final consideration, however, concern for one's own salvation as such does not suffice to explain moral restraint. It is also important to know whether the person regards a narrowly defined morality to be a precondition for salvation or thinks that a robust conscience will also find its way to heaven. The same is true of worries about the health of one's soul—a world-wise man may accept that he is made from 'crooked wood'. Many reports about Cosimo indicate that he was a person of this type, and some of his apparently sensitive moral actions did serve his material

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[24] See Vespasiano da Bisticci, *Renaissance Princes, Popes and Prelates*, ed. M. Gilmore (New York, 1963), 218.

[25] See Anthony Molho, "Cosimo de' Medici: Pater Patriae or Padrino?", *Standford Italian Review* 1 (1979), 5–33.

[26] Dale Kent, *Cosimo de' Medici and the Florentine Renaissance* (New Haven, 2000), 132.

[27] Alison Brown, "Cosimo de' Medici's Wit and Wisdom", in *Cosimo, il Vecchio' de' Medici*, ed. Francis Ames Lewis (Oxford, 1992), 100.

interests in ways that can be revealed. In order to show this we will now take a close look at Cosimo's probable motives for returning "the property of the Lord".

Our inquiry will first touch upon some 350 florins that Cosimo, following the advice of Pope Eugenius IV, donated for churches in Rome to appease his conscience.[28] The sum of 350 florins was already suggested in 1421 and for the same purpose to Cosimo's father Giovanni di Bicci de' Medici by Martin V, Eugenius' predecessor. George Holmes has noted that this is a "curious anticipation".[29] The coincidence becomes less curious of course if we assume that the second request was influenced by the first.[30] There is something peculiar about this first suggestion. It stands in a conspicuous relation to the ransom that was paid in 1419 for the release of Baldassare Cossa (the aforementioned Pope of the Great Western Schism) from prison—a transaction that was handled by Medici managers for Giovanni di Bicci, whom Cossa called his "dear friend". The ransom amounted to 38,500 Rhenish guilders to be paid by a Nuremberg bank to the Duke of Bavaria. The guilders were to be bought with 35,000

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[28] Reinhold Mueller has mentioned this event as evidence of economic morality, see Mueller, *The Venetian Market*, 290: "Even such hardened Florentine merchant-bankers as Giovanni di Bicci and Cosimo de' Medici asked help (respectively) of Popes Martin V, a Roman, and Eugenius IV, a Venetian, to clear their consciences regarding the matter of lending money. In both instances, their qualms of conscience were quieted with the modest contribution of 350 ducats toward the repair of churches in Rome." Mueller writes "ducats" although Holmes (*vide infra*), his source, and the original source in A.S.F./M.A.P. has "florins". This seems unproblematic because the Florentine florin and the Venetian ducat were gold currencies of equal value at the time. But given the confusion about currencies and their values that has arisen in the context of Cossa's ransom (*vide infra*), it is better that we start with the currency mentioned in the sources.

[29] George Holmes, "How the Medici became the Pope's bankers", in *Florentine Studies*, ed. N. Rubinstein (London, 1968), 380: "In June 1421, Giovanni di Bicci recorded in his private account book that he had asked the Pope for spiritual advice about his debts to dead or untractable creditors and had been granted permission to atone for them by contributing 350 florins to the repair of Roman churches—which is a curious anticipation of the advice Eugenius IV is supposed to have given to Cosimo many years later." Holmes quotes his source M.A.P., filza 153, 1, fol. 122v for Giovanni di Bicci in a footnote: "... per iscarire de la nostra cocienza fe noto al papa il caso supplicando me desse licenzia poterle dispensare per l'anime di questi tali cocedettelo per sua bolla con questo che i ripara delle chiese di roma di sa pagholo e del altre io ne dessi fiorini trecentocinquanta di chamera e resto a que luoghi piatosi e poveri mi paresse ...".

[30] There are many possible lanes of influence. A possible scenario starts with the fact that the document in question says that Giovanni di Bicci was allowed to atone by paying 350 florins. It does not say that he in fact paid the money. His son Cosimo may have settled the bill later because of reasons that become clear in the following.

Florentine florins through the Venice branch of the Medici bank.[31] It is conspicuous that 350 is just 1% of the ransom for Cossa. The amount of 350 florins would be a decent fee for handling the complicated payment of the ransom via Nuremberg intermediaries.[32] It seems that Pope Martin V either calibrated his request to an imagined fee or a real one that the Medici received. But why should the Medici donate an amount equal to a transfer fee? Fees for monetary transactions were licit and should not be confused with (usually much higher) usurious interest on loans. On the other hand, the Medici stood in a special relation to the released ex-Pope. After an alleged youthful digression into piracy, Baldassare Cossa rose to the rank of cardinal and was elected as Pope John XXIII in 1410.[33] At this time of the Great Western Schism he was one of three rival Popes. John XXIII agreed to convoke a council at Constance with the aim of ending the Schism, obviously in the belief that he would emerge as the sole remaining contender. Actually, he was deposed at Constance and after a short escape interned in various German dungeons. The Medici's were involved because they were Cossa's bankers. Close ties between Cossa and Giovanni di Bicci had been established long before. Giovanni di Bicci and his partners helped to finance wars when Cossa was papal legate in Bologna, and they participated in huge economic transactions through which the less than holy cardinal acquired the means to surpass his rivals. Leon Battista Alberti emphasized the stupendous volume of Cossa's unconventional

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[31] There is much confusion concerning the size of Cossa's ransom. Most modern accounts are wrong: Kitts, *Pope John the Twenty-third*, 429, mentions 35,000 gold guilders and thus mistakes Florentine cameral florins for Rhenish guilders (also called Rhenish florins). Holmes, "How the Medici became", 375, sets the ransom correctly at 38,500 guilders but assumes that 3,500 florins have the same value. Kent, *Cosimo de' Medici*, 164 declares that the ransom was 3,500 florins. However, 3,500 cameral florins were far from equivalent to 38,500 guilders at the time. Both Holmes and Kent (the latter obliquely) refer to A.S.I. (1843), tomo IV, 329–337 as source. Indeed, there are the right numbers on 435–436: "Ego Bartholomeus de Bardis de Florentia, per commissionem mihi factam per Nicolaum de Uczano et per Iohannem de Medicis de Florentia [...] requiro et volo, quod vos Wilhelmus Henrici de Rimel Junior de Nuremberga [...] promittatis solvere et satisfacere Illustrissimo Domino, Domino Ludovico duci Bavariae et Comiti palatino Reni, et pro liberatione et receptu Reverendissimi Patris Domini Balthazaris Cossa, olim Pape Iohannis XXIII, etc., florenos triginta octo milia et quingentos Renenses, pro florenis triginta quinque milibus de Camera, infrascriptis terminis et modis". I would like to thank Professor Reinhold Mueller for very helpful advice about medieval exchange rates and sources.

[32] See Kitts, *Pope John the Twenty-Third*, 429.

[33] For the following, the two-volume work of Kitts (1908, 1910) about Cossa's life and times was used. There is not much recent work on Cossa. His election as Pope was nullified, and another Pope took the name of John XXIII in the twentieth century.

economic transactions in his "De la famiglia".[34] It was the Cossa connection that made the Medici really rich.[35]

Unfortunately for the Medici, the post-council Popes Martin V, Eugenius IV and clerical moralists may have regarded much of Cossa's economic activities as improper, not necessarily because they were usurious but because they included immoral gain (*turpe lucrum*) and the squandering of Church assets. Martin V first kept his distance towards Cossa's partner Giovanni di Bicci and took the Florentine Spini as his main bankers after his election.[36] In 1420 the Spini suddenly went bankrupt, while the Medici bank was reorganized just in time. Cosimo and his brother Lorenzo took over the role of their father Giovanni di Bicci, who stepped into the background. This cleared the way for the Medici bank's return as major partner of the papacy. Cossa's release from prison in 1419 may have facilitated this process, for Cossa subsequently went to Florence and acknowledged the papacy of Martin V.

It is easy to see now why the pope or high-ranking members of the Church may have fastened on to Cossa's ransom as a suitable donation by Giovanni di Bicci. After all, they did not know how much the Medici had earned under Cossa. This information was kept in secret account books and probably not forwarded by the Medici. Giovanni di Bicci's reluctance to disclose information can be gleaned from the tiara affair of 1419. Martin V learned from a confession of an archbishop, and apparently not from Giovanni himself, that John XXIII had pawned his papal crown with Giovanni di Bicci.[37] In March 1419 Martin demanded the tiara back under threat of excommunication. Later, in 1421, when the relations between Martin V and the Medici had greatly improved, he might have settled for a symbolic sum of atonement, calibrated to a 1% fee for transferring Cossa's ransom to Germany. This fee can be regarded as morally questionable, for the Medici probably owed the Church to help free Cossa because of

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[34] Leon Battista Alberti, *Über das Hauswesen (De la famiglia)* (Zurich, 1962), 363.

[35] See Raymond de Roover, *The Rise and Declime of the Medici Bank 1397–1494* (Cambridge, 1963), 48 on the rise of Giovanni di Bicci's tax bill from 1396 to 1413, and the judgement of Holmes, *How the Medici*, 374.

[36] See Holmes, "How the Medici" (London, 1968).

[37] See Giulia Camerani Marri, *I documenti commerciali del fondo diplomatico Mediceo nell'archivio die stato di Firenze (1230–1492)* (Florence, 1951), 32: "1419 marzo 22. Florentie. Martinus V ex confessione Nicolai Piciscelli archiep. Salertani sciens quod Johannes XXIII, dum in generali concilio constantiensi erat, mitram papalem pretiosam Johanni de Medicis Florentie conservationis causa tradidit, nunc eam repetit, excommunicationem comminans nisi mandatis suis paruerit."

their former involvement with him. Only a free Cossa would be able to visibly recognize Martin V as new pope. Hence, one could reasonably ask the Medici to donate their profit from the ransom business. If one of the suggested interpretations is correct, scruples of conscience hardly come into play. Giovanni di Bicci and his son Cosimo had simply been moved to appease important business partners.

In light of the role of the Medici bank during Cossa's reign, it is understandable why Cosimo sighed: "Have patience, O Lord, in me, and I shall return everything to you." Cosimo knew that much of his fortune came from a dubious source. Soon after he began to govern the Medici bank, the newly unified papacy became its major customer. He could thus hardly afford to be insensitive to the idea that the Church wanted some of its money back. Still, Cosimo assumed that the Lord understood enough of business matters to know that an immediate repayment was out of question. And surely the Lord would not ask for a repayment with interest, given his own views on usury.

We may now turn to a second example and interpret clues that Cosimo's sponsoring of San Marco, which according to his biographer Vespasiano da Bisticci was because of "prickings of conscience", was not entirely motivated by piety or moral scruples. Raymond de Roover mentions an interesting document from the Medici archives in his "The Rise and Decline of the Medici Bank". It says:[38]

> On May 30, 1433, 3,000 Venetian ducats in coin were removed from the former residence of Ilarione de' Bardi and handed over for safekeeping to the Benedictine Hermits of San Miniato al Monte. Another 5,877 ducats were placed in custody at the Dominican friary of San Marco.

Ilarione de' Bardi was chief manager and a main partner at the Medici bank. Moreover, Cosimo was connected to the Bardi clan through his wife Contessina de' Bardi. Ilarione probably died early in 1433 and that may have been one reason to place money for safekeeping with religious orders. An additional reason may have been Cosimo's political troubles, which led to his escape and exile from Florence in the autumn of 1433. The quoted document does not say that the 5,877 ducats also came from Ilarione. As he had special ties to the Dominicans, it may have been Cosimo's money. But in 1433 the Dominicans had yet to establish them-

[38] Roover, *The Rise and Decline*, 54. The document is in Archivio di Stato di Firenze, Mediceo Avanti di Principato, filza 153, no. 2, fols 68, 72, 78.

selves at San Marco. It makes more sense to assume that the document refers to the Observant Dominicans of Fiesole who moved to San Marco in 1436.[39] Both monastic safekeeping houses would then have been outside the walls of Florence. In any case, the Benedictines and the Dominicans helped the Medici or their closest allies in 1433, when Cosimo was in deep trouble. Hence, it looks more like reciprocity than moral scrupulosity if Cosimo lavishly financed San Marco soon after his return and ascent to power in Florence.

This does not mean that we have to regard Cosimo de' Medici as an utterly immoral power politician and profit maximizer. Even a prudent political realist and hard-nosed banker with a very robust conscience can be called moral in a recognizable sense of the word. His morality will mainly show up in the thoroughness with which he prepares hard decisions and the willingness to inflict damage only if necessary.[40] There is no need therefore to deny the existence of true moral convictions—or true gratitude—in business people or politicians.[41] The crucial point is whether these convictions can be expected to resist the adaptive pressure of self-interest and be strong enough to create a "narrow" conscience that shies away from morally questionable economic activities. This, I think, cannot be shown in Cosimo's case. The assumption that medieval economic morality constrained the profit-oriented mind of businessmen more effectively than modern morality needs to be confirmed by other cases—if there are any.

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[39] Kent, *Cosimo de' Medici*, 166, corrects Roover by having the money deposited with the Silvestrines who were at San Marco in 1433. However, given the Medici's attachment to the Dominicans I regard it as more likely that the name of the order is correct and the place should be changed. The Silvestrines were expelled from San Marco in 1436 under Medici participation (see Kent, ibid., 173), hardly an action one would expect as an act of gratitude for the safe-keeping of money. Moreover, in time of crisis *extra muros* safekeeping makes more sense.

[40] That Cosimo de' Medici had this quality is documented by his modern biographers (see Carl Gutkind, *Cosimo de' Medici Pater Patriae* (Oxford, 1938); Kent, *Cosimo de' Medici*—and the esteem in which he was held by Machiavelli.

[41] At this point classical models of economic man will diverge at least from some contemporary neoclassical models. Adam Smith' economic man did have moral convictions that could not be reduced to self-interest. Some neoclassical approaches try to reduce all apparently moral behavior to self-interest. But this is not true of all neoclassical approaches. A recently fashionable "open approach" allows for all kinds of preferences. From a classical economic point of view, this goes too far because the strength and contrast of self-interest to other motives becomes blurred by a fully open model.

3. *Conclusion*

The present paper has taken a close look at two cases of late medieval businessmen who allegedly were led by pangs of conscience to shy away from profitable business opportunities (Corbinelli) or restitute ill-gotten gains (Cosimo de' Medici). In both cases we have no reason to assume that acting otherwise would have been a clear moral fault. Corbinelli's and Cosimo's actions were at best morally controversial at their time, and this renders them particularly interesting for an assessment of the economic approach to human behavior. If the economic approach is right about profit-making as a prerequisite for success in competitive markets, it may be expected that business people will at best feel moral compunction about clearly immoral profits. Conversely, in moral grey areas they should prefer profit to compliance with uncertain moral claims. This pertains as much to modern as to pre-modern business behavior, regardless of the changes of content that have occurred in business morality. Therefore, if late medieval businessmen were more scrupulous concerning their activities so that they even avoided grey areas of business morality, this may be regarded as a sign that the economic approach is wrong and that a dominant profit orientation is merely a modern phenomenon. It would also be a sign that strong competition does not dissolve strong, internally motivated moral restraint. Many modern business moralists might appreciate this conclusion. Unfortunately, it is not validated by the cases of Angelo Corbinelli and Cosimo de' Medici, whose apparent moral compunction is called into doubt by circumstantial evidence. That is not to say that both men were amoral, but just that in comparison to modern business people no recognizable difference in the strength of their moral motives can be found. Corbinelli's case has the additional feature of temporal proximity to a religious 'mega-event'. The end of the Great Medieval Schism may, indeed, have caused the expectation of impending moral change. An economic approach to human behavior does not have to deny the behavioral impact of such events, in whatever epoch. It just has to assume that the market will soon force businessmen to sober up and return to considerations of profit.

ANTHROPOLOGY BEFORE AND AFTER THE DISCOVERY OF AMERICA: CONTINUITY AND CHANGE IN THE QUESTION OF THE SAMENESS OF SOULS

Henrik Wels

In 1952 the great French ethnologist Claude Lévi-Strauss held a lecture in the United States that discussed the relationship between linguistics and anthropology. The lecture was subsequently integrated as the fourth chapter into his seminal work for modern ethnology and anthropology, *Structural Anthropology I*. Structural linguistics itself, which had developed rapidly since the publication of Saussure's *Cours de linguistique générale*[1] at the outset of the twentieth century, had already exerted a fundamental influence on Lévi-Strauss' ethnological investigations. As structural linguistics had succeeded in turning the study of linguistics, previously oriented towards historical philology, into a kind of natural science or elevating it to the status of an exact science through its structuralist methodology, it was Lévi-Strauss' declared aim to achieve something similar for ethnology: to instigate a departure from a purely descriptive ethnology based exclusively on field research and move towards a discipline that worked with structuralist methods.

One of the questions Lévi-Strauss posed in this lecture was that of the causal relationship between language and culture: "Is it language which influences culture? Is it culture which influences language?"[2] The question certainly evades any causal definitiveness, for both cases are concerned with the formation of something different, and Lévi-Strauss thus correctly notes:

> But we have not been sufficiently aware of the fact that both language and culture are the products of activities which are basically similar. I am now referring to this uninvited guest which has been seated during this Conference beside us and which is the human mind.[3]

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[1] The work was first published in 1916 by his two followers C. Bally and A. Sechehaye.

[2] See Claude Lévi-Strauss, *Structural Anthropology*, trans. Claire Jacobson and Brooke Grundfest Schoepf (New York and London, 1963), 71.

[3] See ibid., 71.

It is clear that close cooperation between anthropologists and linguists is necessary to adequately define the relationship between language and culture. Lévi-Strauss thus notes at the end of his deliberations:

> I should say that the most important results of such cooperation will not be for linguistics alone or for anthropology alone, or for both; they will mostly be for an anthropology conceived in a broader way—that is, a knowledge of man that incorporates all the different approaches which can be used and that will provide a clue to the way according to which our uninvited guest, the human mind, works.[4]

One might say that this human mind approximates to what was characterized 500 years earlier by the terms *anima rationalis, ratio humana, anima intellectiva, intellectus*, and so on, and what was generally considered to constitute the definition of humans as human. To identify and reveal the principles and effects of this intellectual faculty was Lévi-Strauss' declared aim, whereby he primarily explored the unconscious operations of the mind as, for example, when he disclosed in an early work 'les structures élémentaires de la parenté.' The implicit supposition posited by the adjective 'human' is of course that this mind is the same for all of mankind. Hence, this mind must be determined on such an elementary level that it remains untouched by all cultural variants and human differences, and that in turn these are only modalities and formations of the elementary, underlying structure.

In a lecture held in 1977 Lévi-Strauss recapitulates his view incisively and succinctly:

> It is probably one of the many conclusions of anthropological research that, notwithstanding the cultural differences between the several parts of mankind, the human mind is everywhere one and the same and that it has the same capacities. I think this is accepted everywhere.[5]

Whether Lévi-Strauss' optimism that this conclusion enjoys general acceptance is still justified today is something I would dare to query. Considerations along such lines would lead us into another thematic field, however. What is more important at this point is that Lévi-Strauss adds to the sameness of the human mind yet another sameness, that of its elementary or—as one may justifiably complete—substantive capacities. While men are of course not the same, the essence of man, that which first

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[4] See ibid., 79–80.

[5] See Claude Lévi-Strauss, *Myth and Meaning* (London and Henley, 1978), 19.

makes us human, must be the same everywhere, otherwise one man would be more and differently a man than another, and both could no longer be considered to belong to the same species, a view that can be put forward and has its adherents. Such a stance, though, would need to be scrutinized for its compatibility with the remaining elements of the respective anthropological system. The French Dominican Antoine Goudin, for instance, prefaced his philosophy course, the so-called *Philosophia iuxta inconcussa tutissimaque divi Thomae dogmata*, first published in 1670 and exerting a widespread influence into the nineteenth century, with a *Praefatio in universam Philosophiam*. As the second proof for the thesis that "philosophy is necessary for man in so far as he is a man to perfect his human nature"[6] Goudin argues:

> Philosophy expels the barbarism from men and makes them gentler and more human (*humaniores*), wherefore studies preceding philosophy are called *Humanitates*; and men who have not been illuminated by the light of philosophy degenerate to brutish mores, as the example of the Americans (*Americanis*) and other barbaric peoples show.[7]

Here Goudin is not denying the humanness of the indigenous Americans, through which they also possess the capacity to become cultivated and educated; according to Goudin, it is rather only when these abilities are neglected and not utilized that cultural decay sets in or cultural formation is impeded. Unfortunately the humanness of the Indians, given their dissimilarity to notions of development schooled on the Western ideals of Europe, was not always self-evident to all of the conquistadors of the New World, and so 160 years earlier, in 1511, Antonio de Montesino had to pose the colonists the rhetorical question in a sermon: "Are these Indians not men? Do they not have rational souls (*animae rationales*)?"[8]

Lévi-Strauss' vehement defence of a sameness underlying all diversity undoubtedly stems in part from his experience as an ethnologist with the so-called Other. But what is different in another culture can only then

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[6] See Antonio Goudin, *Philosophia iuxta inconcussa tutissimaque divi Thomae dogmata* (Parisiis, 1851) 1: 3. *"Philosophia est necessaria homini, quatenus homo est, id est, ad perficiendam ipsam naturam humanam."*

[7] See Goudin, *Philosophia* 1: 4. *"Philosophia fugat ab hominibus barbariem, eosque mitiores et humaniores reddit: Undè studia praeambula ad Philosophiam vocantur, Humanitates; et homines, quibus Philosophiae lumen non illuxit, degenerant in belluinos mores, ut patet de Americanis et aliis barbaris nationibus."*

[8] See Lewis Hanke, *All mankind is one. A study of the Disputation Between Bartolomé de Las Casas and Juan Ginès de Sepúlveda on the Religious and Intellectual Capacity of the American Indians* (Northern Illinois University Press, 1994), 4.

be determined as different when it is conceived as culture and thus as a modality or formation of the same human spirit in the first place. In contrast, if human beings as bearers and creators of their respective cultures are denied the status of personhood, then this is no longer a culture different in a variety of aspects but a completely different system. The designation culture would then only be applied equivocally, for instance when one speaks of the culture of a beehive or ant colony.

The key question is thus if something other or alien is perceived as other or alien *per se*, so that one can merely proclaim this otherness without being able to elaborate further, or if it is recognized as different and in this difference our notions of what is intrinsic to us can change, sharpening the contours of our concept of what may form the basis of the sameness. Of course confrontation with the Other is not the sole trigger or motivation for attempting to clarify the connecting sameness, as a look at Medieval discussions on sameness clearly show. There it was precisely the immanent dictates of the developing anthropological system that raised such questions.

In his sentence commentary completed in 1337 in Paris, the later Augustinian prior general Thomas of Strasbourg posed the question in the context of the thirty-second distinction of the second sentence book, asking "if all humans receive in the same way the punishments with which they are burdened by virtue of the original guilt (*ex originali culpa*)."[9] The main argument that it is so runs as follows:

> By virtue of a uniform ensuing cause the same effect ensues in a same reacting subject. The original sin however is similarly in every human since the beginning of birth, and the soul, since the beginning of their creation the subject of the original sin, are the same in their essence (*sunt aequales secundum suam essentiam*); the punishments following this sin seem to be the same.[10]

That Thomas of Strasbourg uses a premise in this syllogism which first has to be proven is something he naturally recognizes immediately, and the second article thus addresses this *quaestio* "of the sameness of souls

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[9] See Thomas de Argentina, *Commentaria in IIII libros sententiarum* (Venetiis, 1564; rep. Ridgewood, 1965), fol. 184rb: *"An Poenae ex originali culpa inflictae, aeque ab omnibus hominibus participentur?"*

[10] Ibid., fol. 184rb: *"Et videtur, quod sic: quia aequali posita causa ponitur aequalis effectus in subiecto aequaliter se habente: sed originale peccatum aequaliter est in principio nativitatis in quolibet homine, & animae, quae sunt subiectum originalis peccati a principio suae creationis, sunt aequales secundum suam essentiam: ergo poenae consequentes huiusmodi peccatum videntur esse aequales."*

because this was implied in the mentioned argument."[11] While Thomas is certainly not the first scholastic who, addressing this distinction, poses the question of sameness, he is probably among the first who furnish an unambiguously positive answer.

Alone, the countless manuscripts[12] presenting Thomas of Strasbourg's sentence commentary indicate the enormous prestige and great success this work enjoyed. As the Heidelberg theology professor Pallas Spangel had the work printed in 1490, there then followed at least four further editions of this commentary until 1635.[13] Spangel thus had every reason to lavish praise on Thomas in the preface to the 1490 edition.

> Thomas is namely an astute doctor, lucid, of sound doctrine, decisive, and accommodating for mediocre minds even in the most difficult questions, generous in philosophy, but most magnificent in theology, so that the whole Augustinian order follows him in love.[14]

Thomas of Strasbourg displays this lucidity in how he approaches the question of sameness. He divides the problem into two argumentative strands. In the first he undertakes a closer determination of the essential sameness of souls, while in the second he explains to what extent these can be dissimilar.

> All human souls are the same respective of their essence and also respective of their properties grounded directly in their essence as well as all that which ensues naturally from such an essence.[15]

To prove this conclusion, Thomas adduces three arguments: firstly, if the soul as the substantial forms of humans, i.e. those essential forms which rank humans in the species of man, were not the same, then the varying humans must necessarily belong to varying species. The same argument applies to the properties rooted in the essence: if these were dissimilar,

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[11] Ibid., fol. 184rb: *"Secundo de aequalitate animarum, quod in ipso argumento implicabatur."*

[12] See Friedrich Stegmüller, *Repertorium commentariorum in sententias Petri Lombardi* (Würzburg, 1947), 1: 413.

[13] Ibid., 413.

[14] See Benedikt Lindner, *Die Erkenntnislehre des Thomas von Strassburg* (Münster i.W., 1930), 1. The Latin text quoted in the note reads: *"Est enim hic doctor subtilis: clarus: sane doctrine: resolutus: et in materia quantumlibet alta mediocribus etiam ingeniis satis accomodatus. Magnus in artibus. In theologia maximus. Quem totus ordo Augustiniensium amore prosequitur . . ."*

[15] See Thomas de Argentina, *Commentaria*, fol. 184rb: *"Prima est, quod omnes animae humanae quantum ad suas essentias, ac etiam proprietates immediate fundatas in essentijs, et naturaliter tales essentias consequentes sunt aequales."*

then causally it would be necessary to assume a non-sameness of the essence in which they are rooted.[16] Whereas the first argument places more emphasis on the hylemorphism correlated to the *arbor porphyriana*, the second proceeds from the Aristotelian predicate model of precisely this *arbor porphyriana*. If the substantial forms of individuals, meaning precisely those forms which are to ensure specification, are dissimilar in their essence, then the species would also be predicated dissimilarly by these individuals, i.e. the individuals would not belong to the same species but different ones.[17] The third argument aims in the same direction. If in some forms of the same species there existed dissimilarity, so that these forms possess varying significance, then these substantial forms must display a more or less. This cannot be the case however, for according to Aristotle a substance knows no more or less.[18]

With this argumentation Thomas reveals his affiliation to a specific tradition, which I would like to characterize as hylemorphistic anthropology. Hylemorphism is crucial in the development of medieval scholasticism. One decisive trait of the history of medieval scholasticism is the gradual appropriation of Aristotelian philosophy. In some instances, entire theory complexes of Aristotelian philosophy were unhesitatingly adopted so long as they did not pose a risk to the dogmas of Christian theology, while in others philosophemes, which appeared irreconcilable, were either unceremoniously rejected or amalgamated. It is fully justified to speak of the greatest integrative achievement of medieval philosophy when seeking to characterize the process of this emergence and formation of scholasticism. Within this process scholasticism integrates a large part of the philosophical culture of Antiquity. Anthropology oriented on hylemorphism represents such an amalgam.

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[16] Ibid., fol. 184rb: *"quia si non, tunc specie differrent: sed consequens est falsum: quia tunc homines, quorum tales animae sunt substantiales perfectiones, necessario differret [!] specie, quod est impossibile, consequentiam probo: quia inaequalitas essentialis necessario arguit distinctionem specificam in formis. Proprietates etiam immediate, et naturaliter essentias aliquas consequentes, si inaequales sunt, necessario in essentijs inaequalitatem causaliter praesupponunt."*

[17] Ibid., fol. 184rb: *"Praeterea, si formae substantiales aliquorum individuorum essent inaequales secundum suam essentiam, tunc species inaequaliter praedicarentur de individuis: quia essentia specifica principaliter sumitur a forma substantiali: sed oppositum consequentis ponit philosophus 3. meta."*

[18] Ibid., fol. 184va: *"Praeterea, secundum quod in aliquibus formis eiusdem speciei reperitur inaequalitas penes diversum gradum nobilitatis, secundum hoc reperitur in eis susceptio magis et minus. Ista patet 7. physi. Si igitur in humanis animabus esset huiusmodi inaequalitas, tunc forma substantialis susciperet magis et minus, quod est contra philosophum in praedicamentis, ubi ait, quod substantia non suscipit magis et minus: ergo etc."*

According to Aristotle, all natural substances are composed of form and matter, whereby the form is more suited to the task of determining the essence of a thing. Of course, form and matter are never manifest in reality as separate entities, but are always indivisibly melded. In the Physics this theory serves Aristotle as a means to explain processes of becoming, changing and passing within nature. Aristotle transposed this schema to humans in an enigmatic and obscure manner. On the basis of the respective *forma substantialis* as the species-specific form, an individual belongs to a species because a something is what it is thanks to its form, which is the medieval formula for this schema, as formulated by Thomas Aquinas.[19]

The *anima rationalis* is the species-specific form of humans. For single individuals to belong to the species of humans, they must be equipped with this form, and it must be essentially the same for all of them, according to Thomas of Strasbourg's argumentation. Thomas is not the only proponent of this anthropology; on the contrary, broadly speaking, this theory had been common sense since the thirteenth century, whereby the differences in the precise formulation and explanation of the connection between soul and human could at times be considerable. By no means does every author derive his essential equality from the soul as a form of man. Aquinas had exactingly thought through the connection between soul and body, and the controversy as to whether man is informed by one form of the soul or several was crucial to having this connection accepted. It is thus primarily with Thomas of Aquinas that the clear anthropological formula of *anima forma corporis*[20] is rightly associated.

The hylemorphical anthropology, and the question of the essential sameness of forms and souls emerging out of it, is clearly the result of the interpenetration and cross-fertilization of theology and Aristotelian philosophy in scholasticism. An external sign of this interpenetration is alone the parallel growth in the significance attached to Sentences as a theological primer and the role of Aristotelian writings, in particular *De anima*, from the thirteenth through to the sixteenth century. As knowledge of the Aristotelian *De anima* text spreads throughout the Latin West from the

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[19] See Thomas de Aquino, *Summa theologiae* I. 5. 5c., *Opera omnia*, ed. Leonina (Romae 1888sqq.) 4: 63: *"unumquodque sit id, quod est, per suam formam* [. . .] *per formam unumquodque in specie constituitur."*

[20] See Theodor Schneider, *Die Einheit des Menschen. Die anthropologische Formel 'anima forma corporis' im sogenannten Korrektorienstreit und bei Petrus Johannis Olivi. Ein Beitrag zur Vorgeschichte des Konzils von Vienne* (Münster, 1973).

twelfth and thirteenth centuries, 'scholastic' thinking begins to increasingly and with greater intensity grapple with the problem as to how the form-matter schema may be transposed to humans. At the same time, the sentences of Petrus Lombardus advance to the theological textbook par excellence. By the mid-thirteenth century at the latest they are de rigueur for lessons as a source material to be commented on by the aspiring master of theology. The ever greater presence of philosophical terminology and lines of inquiry of Aristotelian provenance in the quaestio commentaries, diverging further and further away from the original, emphasizes this interpenetration. An extremely succinct and paradigmatic example is the question and discussion about the substantive sameness of souls. This question is understandable neither from the Aristotelian text nor the remarks given in the sentences alone; rather, the interpenetration of Aristotelian anthropology and Christian-theological ethic of salvation makes such a question necessary in the first place, as the question posed by Thomas of Strasbourg in his sentence commentary clearly shows.

This is an ideal time to return to Thomas of Strasbourg. His explanation as to how difference comes about is just as groundbreaking for later discussions as that of sameness. By virtue of its clarity and succinctness, his representation of the problem is the perfect basis for developing a foil against which the changes taking place in the fifteenth and sixteenth centuries may then be traced and plotted. Both in the refutation of the arguments cited for a substantive difference between souls as well as the explanation of the second conclusion, namely "that human souls with respect to their being", i.e. with respect to their real existence in a human being, "can be different, as they can also be different with respect to the properties subjectively constituted in the bodily organ",[21] Thomas ultimately draws on the same simple conception.

As the form communicates a specific modus to that whose form it is, so it also experiences a certain modus from that whose form it is. Therefore, the soul connected in all parts to a noble body always has a nobler modus of being (*nobiliorem modum essendi*), at least with respect to its own individual being or its individual existence, which ensues for the soul by it being infused into a body.[22]

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[21] See Thomas de Argentina, *Commentaria*, fol. 184va: *"Secunda conclusio, quod animae humanae possunt esse inaequales quantum ad suum esse, & quantum ad suas proprietates fundatas subiective in organo corporali"*.

[22] Ibid., fol. 184va: *"sicut forma illi, cuius est forma, communicat aliquem modum: sic ab eo, cuius est forma, sortitur aliquem modum. Et ideo caeteris partibus anima coniuncta*

The sameness is thus due to the matter, the undeniable disparity within the soul's properties reliant on physical organs, for example seeing or hearing, the body, or more precisely the *modus essendi in corpore*. That one human has a better intellect than another is, according to Thomas, possible in three ways: 1. Due to supernatural gifts bestowed by God; 2. Naturally, thanks to the excellence of his composition, i.e. the relationships between his fluids, and the possession of an imagination, whereby imagination characterizes the essential instance mediating between higher and lower faculties of the soul—that is, more structured and therefore better organized—and the species intelligibles by virtue of the light of the *intellectus agens in intellectus possibilis*; or 3. Due to more diligent and frequent study and training.[23] Nevertheless, Thomas reiterates emphatically that it is not necessary for any of these three modes that "the intellect itself or the intellective soul in terms of its essence is better in one human than in another."[24]

In the contra arguments cited against the sameness thesis, Thomas of Strasbourg draws on the Paris Condemnations of 1277 and refers to two articles from this decree which could be invoked against his first conclusion that "all human souls with respect to their essence and their attributes directly constituted in their essence and what naturally emerges from such an essence are the same".[25]

Perhaps one would say that this first conclusion contradicts the two Paris articles, the first of which says that it is an error when one says it is improper that some intellects are more noble than others, for then the soul of Christ would not be nobler than the soul of Judas. The second article says that it is an error to assume that one human understands better than another, because he possesses a better passive intellect, i.e. a better imagination.[26]

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nobiliori corpori, semper habet nobiliorem modum essendi saltem quo ad esse individuale, quod anima consequitur eo, quod infunditur corpori."

[23] Ibid., fol. 184vb: *"unus homo potest habere meliorem intellectum, quam alter tribus modis. Unomodo, supernaturaliter ex gratuito Dei dono, secundum quod spiritus sanctus implevit Telonarium, et primum Evangelistam fecit: et implevit Piscatorem, et principem Apostolorum fecit. Alio modo naturaliter, puta secundum quod ex bonitate complexionis unus habet magis ordinatam phantasiam, quam alter, et per consequens meliori ordine species intelligibiles in virtute luminis intellectus agentis recipiuntur in ipso intellectu possibili. Tertio modo, ex frequentiori studio et meliori exercitio."*

[24] Ibid., fol. 184vb: *"Et tamen nullo istorum modorum necesse est ipsum intellectum secundum se, vel animam intellectivam secundum suam essentiam in uno homine esse meliorem, quam in altero."*

[25] See Anm. 15, Thomas de Argentina, *Commentaria*, fol. 184rb.

[26] Ibid., fol. 184va: *"Sed forte dicetur, ista conclusio repugnat duobus Parisiensibus articulis. Quorum primus est, quod error est dicere, quod inconveniens sit aliquos intellectus esse*

The two articles which Thomas here invokes, somewhat reduced and stripped to their essentials, are 124 and 187 in the most widespread collections.[27] Article 124, which stipulates the higher value of Christ's soul over that of Judas, is repeatedly referred to in discussions of this problem both prior to and after Thomas of Strasbourg. The situation is very different with respect to Article 187. Thomas of Strasbourg is probably the first and perhaps the only thinker to relate both articles to the problem of the sameness of souls. His answer to the objection is clear:

> These articles aimed solely to show that through the connection to the body a soul can retain a quality (dignitas), which another soul that is connected to another body does not befit.[28]

But this would precisely be what the second conclusion teaches, and therefore both articles cannot represent an objection.

Durandus de Sancto Porciano had already countered the Paris Article 124 a few years before, stating that a non-sameness of souls with respect to the properties which are common to the composite whole, the connected body and soul, would suffice to resolve this objection, because "the article only says that the souls are different without determining wherein they are different."[29] However it has turned out, a physical disposition does not permit conclusions to be drawn as to a qualitatively superior or inferior form of the soul, so that

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nobiliores alijs: quia tunc anima Christi non esset nobilior anima Iudae. Secundus est, quod error est ponere, quod unus homo melius intelligit, quam alter: quia habet meliorem intellectum passivum, id est meliorem imaginationem."

[27] See *La condamnation Parisienne de 1277*. Texte latin, traduction, introduction et commentaire par D. Piché (Paris, 1999), 116 and 136.

[28] See Thomas de Argentina, *Commentaria*, fol. 184va: *"Ad primum et secundum dicendum, quod illi articuli non plus intendunt nisi, quod per coniunctionem ad corpus una anima potest sortiri aliquam dignitatem, quae non competit alteri animae, quae alteri coniungitur corpori, quod quidam negabant dicentes, quod talis diversitas nobilitatis solum est ex parte corporis, ita quod animae ex sua coniunctione ad corpora nihil diversitatis in nobilitate consequantur, cuius opinionis oppositum apparebit in secunda conclusione."*

[29] See Durandus a Sancto Porciano, *In Petri Lombardi Sententias Theologicas Commentariorum libri IIII* (Venetiis 1571; repr. Ridgewood, 1964), 1: fol. 186rb: *"Si comparentur quoad proprietates toti composito communes, sic non omnes animae sunt aequales ab origine: immo in una sunt nobiliores et perfectiores potentiae sensitivae et vegetativae, quam in alia.* [...] *Et istud videtur multum sufficere ad salvandum articulum, cum solum dicat articulus quod animae sunt inaequales, non determinando in quibus."*

> as the matter more or less disposed is, a more perfect or imperfect form is received; thus, from a better disposed body a nobler soul and from a less disposed body a less noble.[30]

According to Durandus, a difference of the substantial forms cannot emerge out of the dispositions, which are in the substance before they are informed by a form, because precisely these dispositions would cease to be as soon as the form is inducted. But the dispositions of the matter accompanying the form do not require a difference of substantial forms. Otherwise, it would namely follow that, as the dispositions are different from time to time in the same subject, the substantial form would also from time to time be noble and ignoble, which would be altogether absurd. Likewise, material dispositions have no influence on a form, which is not drawn out of matter, except perhaps as part of activities where the soul needs matter or the body. The human soul, though, is precisely such a form that in its being is not dependent on the body, for it is immortal and can exist separated from the body. Only with respect to its intellective activity is it reliant on the body, in as far as it makes use of the body as an object, i.e. uses sensory data mediated through the body in order to think.[31]

The sameness of the souls as the substantial forms of humans, or briefer, the substantial sameness of the souls, thus stands beyond doubt for both Thomas of Strasbourg and Durandus a Sancto Porciano. This sets apart these fourteenth-century authors from most of the authors of the thirteenth century, at least if credence is given to the doxographical findings of

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[30] Ibid., 1: fol. 186va: *"propter quod cum materia plus et minus disponatur, recipitur in ea forma perfectior, vel imperfectior. Unde in corpore melius disposito recipitur anima nobilior, et in corpore minus disposito recipitur ignobilior. Istud autem non valet".*

[31] Ibid., 1: fol. 186va: *"Istud autem non valet: quia si ex parte dispositionum esset inaequalitas formarum substantialium non minus, immo magis esset ex parte dispositionum existentium in materia cum forma, quam ex parte dispositionum praecedentium introductionem formae, quia illae corrumpuntur in adventu formae, sicut earum subiectum. Nunc est ita quod ex parte dispositionum concomitantium formam in materia, non potest argui aliqua inaequalitas formarum substantialium. Alioquin cum in eodem supposito pro alio et alio tempore sint dispositiones inaequales, sequeretur quod alio et alio tempore forma substantialis esset nobilior et ignobilior, quod est absurdum, ergo ex parte dispositionum non potest argui talis inaequalitas formarum. Item dispositiones materiae non redundant in formam quae non educitur de potentia materiae, nisi forte quantum ad operationes in quibus indiget materia seu corpore. Sed anima humana ponitur esse talis forma quae non dependet quantum ad esse a corpore, nec educitur de potentia materiae, quanvis dependet ea a corpore, quantum ad aliquas operationes sensitivas et vegetativas, et quantum ad intellectivam, prout utitur corpore ut obiecto: ergo ex diversitate dispositionum materiae vel corporis potest solum argui diversitas animarum quantum ad praedictas operationes, et non quantum ad essentias."*

the sixteenth century. In the *Commentarii Collegii Conimbricensis in tres libros De anima*, composed and compiled in the Jesuit college of Coimbra in 1598, the fifth question in the first chapter of the second book De anima reads: "Utrum omnes animae intellectivae naturae dignitate pares sint."[32] The first article lists the authors who negate this question, and named amongst them are almost all the 'great' authors of the thirteenth century: Richardus de Mediavilla, Albertus Magnus and Aegidius Romanus. Petrus Fonseca, who had initiated the philosophy course in Coimbra and composed the metaphysical commentary himself, adds Bonaventura in this commentary.[33] Of the authors of the thirteenth century, only Henry of Ghent appears to be the odd one out. The Conimbricenses state that he had inclined towards the sameness thesis "but as a doctor of the Sorbonne he could not profess absolutely to this view due to the confirmed authority of the Paris article."[34]

But what about the author, his name had yet to be mentioned in this regard, whose doctrine of the soul, dogmatically enforced at the Council of Vienne in 1312 and the Fifth Council of the Lateran in 1513, is so enormously significant? About Thomas Aquinas the Conimbricenses write:

> As for what the judgment of the divine Thomas was in this controversy, it is not clear. His acolytes accommodate his doctrine on this topic, as if it were a Lesbian rule, to whatever one means. […] Certainly there is no lack of places in the divine Thomas which could seemingly be used to support both views. The Sanctus doctor says in the commentary to the first book of sentences, dist. 8, quastio 5, art. 2, in answer to the sixth objection, that the soul which is ordered to a better-disposed body is perfect.[35]

Further places are then cited, but this is of course precisely the same view that Durandus, as mentioned above, had attacked. And certainly disagreeing with this opinion that the position taken by Thomas in this question was unclear are the greatest Thomists of the fifteenth century, Johannes

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[32] See *Commentarii Collegii Conimbricensis, Societatis Iesu, in tres libros De anima Aristotelis Stagiritae* (Lugduni, 1612), 67 b.

[33] See Petrus Fonseca, *Commentariorum in libros Metaphysicorum Aristotelis tomi quatuor* (Coloniae 1615; repr. Hildesheim, 1964), 2: col. 1086/7.

[34] See *Commentarii Conimbricensis*, 68b: *"in eandem inclinat Henricus Gandavensis, licet quia doctor Sorbonicus, propter iuratam Parisiensis articuli auctoritatem, non absolute sententiam proferat."*

[35] Ibid., 68b/69a: *"Porro quod fuerit in hac controversia Divi Thomae iudicium, non liquet. Illius sectatores, eius hac de re doctrinam, quasi Lesbiam regulam, ad id, quod quisque sentit, accommodant. […] Certe non desunt loca apud Divi Thomae quibus utraque pars sese tueri posse videatur. Nam Sanctus doctor in I. sent. dist. 8. quae. 5. art. 2. in responsione ad 6. ait animam, quae ad corpus melius dispositum ordinatur, perfectiorem esse."*

Capreolus and Thomas de Vio, Cardinal Cajetan, who are also cited by the Conimbricenses. In his *Defensiones Theologiae Divi*, Thomae Aquinatis Capreolus deals in great detail with the arguments brought forth by Durandus and tries to refute them.[36]

Thomas de Vio, Cardinal Cajetan goes a step further in his commentary on the passage of the *Summa Theologiae*, which agrees almost word for word with the position attacked by Durandus. In article 7 of the 85 quaestio in the *Prima Pars*, Thomas Aquinas broaches the question of "whether one person can understand one and the same thing better than another can."[37] In the corpus of the article Aquinas answers in the affirmative, that this is possible in a twofold way, if one person has a more perfect intellect. Then, so Aquinas proceeds, it is obvious that the better the disposition of a body, the better the soul allotted to it, and this is patently shown in things which are of different species. The reason for this resides in that act and form are received into matter according to matter's capacity. And while some men have better disposed bodies, their souls possess a greater power of understanding. It is for this reason that the second book of *De anima* states that those who have soft flesh are of apt mind (*molles carne bene aptos mente*).[38] Given his own corpulence, Thomas delighted in and often cited this, and it is repeatedly referred to in subsequent discussions. The second means through which it may occur that one person understands better than another, emerges out of the lower powers of the soul, those of the imagination, cogitation and memory.[39]

In his commentary on the *Summa theologiae* written between 1507 and 1522, Cajetan adheres closely to the discussion of the problem in the *Defensiones* by Capreolus, albeit without naming him. It would indeed be no great exaggeration to say that he basically copies from Capreolus, at

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[36] See Johannes Capreolus, *Defensiones Theologiae Divi Thomae Aquinatis* (Turonibus 1903; repr. Frankfurt/Main 1967), 4: 360b–362a.

[37] See Thomas de Aquino, *Summa theologiae* I. 85. 7, *Opera omnia*, ed. Leonina (Romae, 1888sqq.), 5: 344: *"Utrum unam et eandem rem unus alio melius intelligere possit."*

[38] Ibid., 344b: *"Uno quidem modo, ex parte ipsius intellectus, qui est perfectior. Manifestum est enim quod quanto corpus est medius dispositum, tanto meliorem sortitur animam: quod manifeste apparet in his quae sunt secundum speciem diversa. Cuius ratio est, quia actus et forma recipitur in materia secundum materiae capacitatem. Unde cum etiam in hominibus quidam habeant corpus melius dispositum, sortiuntur animam maioris virtutis in intelligendo: unde dicitur in II de Anima quod molles carne bene aptos mente videmus."*

[39] Ibid., 344b: *"Alio modo contingit hoc ex parte inferiorum virtutum, quibus intellectus indiget ad sui operationem: illi enim in quibus virtus imaginativa et cogitativa et memorativa est melius disposita, sunt melius dispositi ad intelligendum."*

least as far as refuting the position of Durandus, without, however, even coming close to the detail and precision shown by Capreolus. Cajetan exaggerates the view of Aquinas somewhat. Unlike the Conimbricenses later, for Cajetan there is no question of whether Thomas meant that the substances of the human souls are not the same. This is clearly evident in several statements made within the article as well as elsewhere. In Cajetan's eyes, this is so clear that anyone who asserts the contrary may be passed over as if they were blind, and direct his power of reasoning on the arguments of others.[40]

A few years later in the 1630s, while dealing with the issue of substances as part of a commentary on the category teaching of Aristotle, the Spanish Dominican Domingo de Soto will admit that he is probably one of these blind persons,[41] before then going on to establish, clearly against Cajetan, that it can neither be in the sense of Saint Thomas nor any other philosopher that the soul receives more or less due to its essence, and, moreover, none is essentially more perfect than another, in as far as they namely all belong to the same species.[42]

Besides the fact that Dominicus Soto takes a position contrary to the leading Thomists of the age, another aspect of these remarks rather randomly interposed into a commentary on categories is astounding. As far as I can discern, it is the first time that this discussion is conducted in a purely philosophical context. In subsequent years the questions revolving around the sameness of souls will surface more frequently in purely philosophical contexts, for instance as part of commentaries on Aristotelian metaphysics or *De anima*. Soto points in his direction himself with the remark that it could be the opinion of neither Thomas nor any

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40 See Thomas de Vio Caietanus, *Commentaria in Summam theologiae*, in: Thomas de Aquino, *Opera omnia*, ed. Leonina, vol. 4–12 (Romae, 1888–), 5: 344b: *"Circa causam primam secundae conclusionis, scilicet inaequalitatem animarum nostrarum, advertendum est quod non solum hi qui a s. Thoma se dissentire fatentur, sed etiam Thomistae aliqui contrariantur, adeo ut dicant non esse mentem s. Thomae animarum humanarum substantias esse inaequales: cum tamen aperte hic et in corpore et in responsione ad ultimum, aperte hoc dicatur, et in II Sent., dist. XXXII, expresse idem scriptum sit. Unde hos tanquam caecos omittentes, ad aliorum rationes nostram dirigamus aciem."*

41 See *Commentarii Conimbricensis*, 68b: *"Caiet. Ait adeo planum esse illum inaequalitatem animarum posuisse, ut eos qui id non vident, caecos appellet: Sotus loc. cit. ex iis caecis unum se esse profitetur."*

42 See Dominicus Soto, *In Porphyrii Isagogen, Aristotelis Categorias, librosque de Demonstratione commentaria* (Venetiis, 1578; repr. Frankfurt/Main 1967), 161: *"Ad primam partem quinti argumenti de anima rationali respondetur non esse mentem S. Thomae, nec potest esse alicuius philosophi, quod anima secundum suam essentiam recipiat magis et minus, nec sit una essentialiter perfectior alia: quando quidem omnes sunt eiusdem speciei."*

philosopher that the souls are substantially not the same. For Soto, the substantial sameness of souls is important to ensure the universal obligation of his natural law principles, as he then later undertakes in his great work *De iure et iustitia*. What is also striking is that neither of the two argumentation strands are to be found represented in the controversy between Juan Ginés de Sepúlveda and Bartolomé de Las Casas as to the status of the intellective abilities of the native Indians, which culminated in the disputation of Valladolid in 1550, although Domingo de Soto had written the summary of this virtual dispute[43]—virtual because the two opponents probably never met personally but presented their arguments to the commission independently of one another.

Possibly inhibited by Cajetan's comment and because he thus then considered the view of Thomas Aquinas as not particularly conducive to furthering his cause with regards to the issue of sameness, Bartolemé de Las Casas refrained from invoking Thomas Aquinas in his defence of the indigenous Indian inhabitants of America, who he otherwise readily and frequently cited in a host of other contexts. But even without Thomas Aquinas on his side, for Bartolemé there is no doubt that he, in the issue itself, i.e. in accordance with the one and same essence for all humans, agrees fully with the thesis of sameness:

> The reason for this truth is namely [. . .]: all peoples of the world are made up of humans, and for all humans and each single individual there is only one definition, and this is that they are rational beings; all have their own intellect and will and freedom of decision because they are made in the image of God. All humans have five external and four internal senses and are driven by their same purposes; all possess the natural and spermatic principles to comprehend the sciences and things they do not know, to study and understand them, and this holds not only for humans with virtuous inclinations but is also to be found amongst those who are vicious due to their depraved customs; all rejoice at what is good and feel pleasure in doing agreeable and enjoyable things, and all repudiate and detest evil and are vexed by unpleasant and harmful things [. . .] There is thus a single human race, and in terms of their creation and natural conditions all humans resemble one another, and nobody is born already knowledgeable.[44]

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[43] See Domingo de Soto's *Summarium* in *Bartolomé de Las Casas, Werkauswahl*, ed. Mariano Delgado (Paderborn u.a. 1994–96), 1: 350–372.

[44] See Bartolomé de Las Casas, *Kurze apologetische Geschichte*, in *Bartolomé de las Casas, Werkauswahl* (Paderborn u.a. 1994–96), 2: 325–512, here: 2: 376sq., according to whom this is the 48th chapter of the "manifesto of Las Casas dealing with the issue of the unity of the human species and human dignity."

THE CHANGE OF GEOGRAPHICAL WORLDVIEWS AND FRANCISCO DE VITORIA'S FOUNDATION OF A MODERN COSMOPOLITANISM

Hans Schelkshorn

1. *Introduction*

From the seventeenth century onwards, the expeditions of Columbus and Vasco da Gama as well as Copernican astronomy came to be regarded as symbols of the dawning of a new era of mankind. Indeed, the destruction of hitherto prevailing cosmological and geographical worldviews impacted tremendously on the intellectual life of early modern Europe. The varied influence of Copernican astronomy on other cultural fields could only take place, however, because of the specific structure of classical ancient philosophy. Interpreting human life in the light of the natural order, the eternal hierarchy of the cosmos served both as a model for the constitution of the *polis* (Plato) and for the ethical ideal of the tranquillity of the soul. Due to the manifold correspondences between nature and human life, changing one element of this worldview unavoidably provoked transformations in other fields of philosophical thinking. For instance, having lost its status as the foundation in the cosmic order, the ethical ideal of the *tranquilitas animi* was increasingly supplanted by the modern conception of happiness as a restless striving for new goals.

In a similar sense, the changes taking place in the geographical worldviews during the fifteenth and sixteenth centuries also had a deep impact on the cultural life of early modern society, as the rise of utopian literature or the breakthrough of an ethnological anthropology indicates, to name just two examples.[1] In the following I will focus exclusively on the ethical and political transformations provoked by the transoceanic European expansion. By drawing on the thought of Francisco de Vitoria, an exemplary case, I hope to show that the change of geographical worldviews and encounters with unknown peoples in the sixteenth century enabled

[1] See Marina Leslie, *Renaissance Utopias and the Problem of History* (Ithaca-New York, 1998); Anthony Pagden, *The Fall of Natural Man. The American Indians and the Origins of Comparative Ethnology* (New York et al., 1982).

the constitution of a new cosmopolitanism, which modified the Stoic-Christian idea of the unity of mankind in essential aspects.

"Cosmopolitanism" is a very ambiguous concept, however, and demands preliminary clarification. Provisionally we may begin by distinguishing cosmopolitan views into moral conceptions of the unity of mankind and the political ideas concerning the order between peoples or states. The political or institutional cosmopolitanism itself encompasses two antithetic ideas, namely the vision of a universal monarchy or world state and the theory of a law of nations, which presupposes a plurality of sovereign peoples.[2] Though cosmopolitan ideas can be traced back to ancient times, I would like to show that modern cosmopolitanism reveals specific orientations that can only be understood against the background of European expansion during the 'Age of Discovery'. This thesis is far from being generally admissible, however, for both ethical and political cosmopolitanism were historically reconstructed without any reference to the geographical changes reverberating throughout the fifteenth and sixteenth centuries. On the one hand, it is often suggested that modern cosmopolitanism is merely a revival of the ancient idea of the unity of mankind. Neglecting historical ruptures, Martha Nussbaum stresses the continuity between Kant's cosmopolitanism and the ethical universalism of the Stoics.[3] On the other hand, scholars of jurisprudence emphasize that cosmopolitanism is an exclusively modern phenomenon insofar as the law of nations presupposes the emergence of the nation state in early modern Europe. Until recently Hugo Grotius has therefore been recognized as the main founder of modern cosmopolitanism.[4] In contrast to these lines of historical analysis, I shall try to point out, firstly, that modern cosmopolitanism differs in a qualitative sense from ancient versions of moral and political universalism, so that, secondly, we must conclude that the central ideas of both moral and institutional cosmopolitanism were constructed in the face of the challenges posed by European expansion since the fifteenth

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[2] An instructive overview of the different versions of European cosmopolitanism is provided by Derek Benjamin Heater, *World Citizenship and Government. Cosmopolitan Ideas in the History of Western Political Thought* (Houndmills et al., 1996).

[3] Martha C. Nussbaum, "Patriotism and Cosmopolitanism", in Martha C. Nussbaum et al., *For Love of Country?*, ed. Josiah Cohen (Boston, 1996), 3–20.

[4] This view was recently supported by Heinhard Steiger, "Ius bändigt Mars. Das klassische Völkerrecht und seine Wissenschaft als frühneuzeitliche Kulturerscheinung", in *Frieden und Krieg in der Frühen Neuzeit. Die europäische Staatenordnung und die außereuropäische Welt*, ed. R.G. Asch et al. (Munich, 2001), 59–85.

century. Both parts of this thesis can be testified in relation to Vitoria's doctrine of *ius gentium*.

In order to detect the specifically modern aspects of European cosmopolitanism, it is necessary to indicate some of the key aspects of the historical background, focusing on the linkages between geography, moral philosophy and political theory in the ancient world and the Middle Ages (section 1). Taking into account the intimate conjunctions between geographical worldviews and cosmopolitan ideas both in ancient philosophy and Christian theology, it becomes immediately understandable as to why the expeditions of Vasco da Gama and Columbus could have provoked such grave shifts in the field of moral and political thinking during the sixteenth century. In a second step I will outline some aspects of Vitoria's cosmopolitan thought. After focusing on his discussion of the ethical universalism developed by medieval theology and his radical negation of the traditional idea of a World Empire, I will outline his foundation of a new cosmopolitanism, which culminates in the idea of a world society and the ethics of humanitarian intervention (section 2).[5]

2. *A Brief Outline of Cosmopolitan Ideas in Ancient and Medieval Thought*

2.1. *Geography, Ancient Historiography and the Idea of World Empire*

In classical antiquity, geographical reflections are dispersed across three theoretical fields: natural philosophy, historiography and medicine.[6] Continuing the naturalistic thinking of the pre-Socratics, Eratosthenes and Ptolemy

[5] The following considerations on the genesis of modern cosmopolitanism are given extensive consideration and developed further, including greater bibliographical references, in my work: Hans Schelkshorn, *Entgrenzungen. Ein philosophischer Versuch über die Moderne* (Weilerswist 2009). Historical reconstructions of modern cosmopolitanism with another focus of interest are offered by Anthony Pagden, "The Genealogy of European Cosmopolitism and the Legacy of European Universalism", in *Frieden und Krieg in der Frühen Neuzeit. Die europäische Staatenordnung und die außereuropäische Welt*, ed. R.G. Asch (Munich, 2001), 468–483, and Georg Cavallar, *The Right of Strangers. Theories of International Hospitality, the Global Community, and Political Justice since Vitoria* (Aldershot et al., 2002).

[6] Detailed studies on ancient cartography and geography with comprehensive bibliographies are presented by John B. Harley and David Woodward (ed.), *The History of Cartography, vol. 1: Cartography in prehistoric, ancient and medieval Europe and Mediterranean* (Chicago, 1987); Wolfgang Hübner (ed.), *Geschichte der Mathematik und der Naturwissenschaften in der Antike, vol. 2: Geographie und verwandte Wissenschaften* (Wiesbaden, 2000).

established mathematical geography, one of the highlights of ancient science, while Herodotus initiated the ancient synthesis between geography and historiography, which would then find its climax in the work of Strabo. Finally, geographical reflections were developed in the Hippocratic Corpus. The essay 'On Airs, Waters and Places' analyzes the influences of geographical data on the health of individuals and the customs of peoples,[7] a method adopted both by ancient historiography and philosophy. According to Aristotle, for instance, only peoples living in temperate zones are capable of achieving the highest stages of human rationality (theoria and political praxis). For this reason, the ideal of the *polis* as an institution of rational self-government could have been established only by the Greeks and not by barbarians living in the cold or the torrid zones.[8]

Since its beginnings with Herodotus, Greek historiography transcended the limited horizons of local events, collecting all available data on the 'known world'.[9] But in respect of political ideas, Herodotus constructed an image of the world sharply divided into two spheres, Asia and Europe. Due to the "historical law" of a bipolar arrangement of the geopolitical scenario, Persian attempts to expand their empire beyond its Asian frontiers were destined to fail, argues Herodotus, evoking the counterforce of the Greek struggle for freedom. It was Polybius who combined Herodotus' broad geographical horizon with a universal perspective on the political level. As Polybius explains clearly in the opening chapters of his work, the period of Roman expansion up until the conquest of the Macedonian monarchy (169 BCE) must be interpreted as the first realization of the oriental idea of a World Empire.[10] In contrast to Persia, which failed to conquer Europe, and Alexander the Great, who never conquered the western Mediterranean, only the Romans succeeded in expanding their power over Europe, Asia and Libya (the Greek name for Africa).[11] Thus, "the affairs of Italy and Libya have been interlinked with those of Greece

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[7] Hippocrates, *Airs, Waters, Places*, in *Hippocrates*, ed. transl. W.H.S. Jones (Cambridge, 1948), 1: 65–137.

[8] See Aristotle, *Politica*, ed. W.D. Ross (Oxford, 1957), VII 7, 1327 b 23–33, 222f.

[9] See Reinhold Bichler, *Herodots Welt: der Aufbau der Historie am Bild der fremden Länder und Völker, ihrer Zivilisation und ihrer Geschichte* (Berlin, 2000).

[10] The classical ancient conceptions of a 'universal history' are described exhaustively by José Miguel Alonso-Nuñez, *The Idea of Universal History in Greece: from Herodotus to the Age of Augustus* (Amsterdam, 2002). See also Catherine Clarke, "Universal Perspectives in Historiography", in *The Limits of Historiography. Genre and Narrative in Ancient Historical Texts*, ed. Christian Shutleworth Kraus (Leiden et al., 1999), 249–279.

[11] Polybius, *The Histories* vol. 1: book 1–2, ed. trans. W.R. Paton (London and Cambridge, 1954), 1: 14–17.

and Asia, all leading up to one end",[12] namely a universal history under Roman hegemony.[13]

Polybius did not combine the concept of a "universal" history with an ethical idea of the unity of mankind, however. As a result, moral and political cosmopolitanism remained separate currents within classical ancient thought. But ever since its conception, the oriental idea of a World Empire was closely tied to geographical worldviews. The Persian idea of a World Empire was based on the archaic notion of an island-earth surrounded by a circular ocean and so Persian sovereigns thus aimed to expand their Empire to encompass the four world oceans in the south, north, west and east.[14] As ancient thinkers were generally forced to admit the spherical shape of the earth during the late fourth century, the idea of a World Empire had to be redefined. Polybius still took it for granted that world domination meant hegemony over the known or inhabited world (*oikumene*), not over the whole earth (*ge*), whereby it was supposed that other inhabited worlds, like that of the Antipodes, existed. But the tensions between the political claim to World Empire and the doctrine of the earth's spherical shape could no longer be ignored in the following century, an aspect that will be considered at a later point.

2.2. *Philosophical Foundations of the Unity of Mankind*

Though cosmopolitan ideas could be traced back to the Greek Sophists and even to Democritus, the great founders of moral and political philosophy, Plato and Aristotle, paradoxically propagated crude particularistic ideas defending slavery, the subjugation of women and the devaluation of other peoples as barbarians. Based on the dubious theory of natural slavery, Aristotle even justified the hunting of the barbarians.[15] Particularism of this sort in moral questions produced grave restrictions in the field of political philosophy. Focusing exclusively on the internal problems of the

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[12] Ibid., 3.3–4, 17–19.

[13] The ancient concept of 'world domination' implies the hegemony over the known world, not the subjugation of all territories of the earth, see Claude Nicolet, *Space, Geography, and Politics in the Early Roman Empire*, trans. Hélène Leclerc (Ann Arbor, 1991), 30f.: "It is clear that Polybius . . . cannot mean that the Romans dominated the entire area of the *oikumene*, but rather that they are present in each of its parts and—at this date—had no serious rivals. Although based upon geography, Polybius's assertion is therefore political."

[14] See Franz Miltner, "Der Okeanos in der persischen Weltreichsidee", *Saeculum* 3 (1952) 522–555.

[15] See Aristotle, *Politica*, I 8: 1256b23–26, 14.

Greek *polis*, Plato and Aristotle totally neglected almost anything concerning international relations. The lack of cosmopolitan ideas is even more astonishing if we take into account that the Greek city-states regulated relations both amongst the Hellenic community within the Mediterranean world as well as with foreign peoples, for instance by way of "international" institutions in dealings with Rome, which included a special court of arbitration, trade agreements and peace treaties, to name but a few. This practice was not reflected philosophically by a correspondent theory of international law, however.[16]

As is generally known, the transition from ethnocentric to universal ethics is the achievement of the Stoics and the early Christians. It is impossible to adequately represent their various conceptions of the dignity and equality of all men in the space afforded here.[17] With regard to Vitoria, however, I would like to emphasize at least a few aspects, in the main drawn from the Stoic tradition.

Universalistic ideas were already developed in early Stoic philosophy. Zeno's image of a global order was one where "our household arrangements should not be based on cities or parishes, each one marked out by its own legal system, but we should regard all men as our fellow-citizens and local residents, and there should be one life and order, like that of a herd grazing together and nurtured by a common law."[18] But Zeno did not envisage a political order for the whole of mankind in the proper sense of the word. On the contrary, restricting the inhabitants of his Republic ("as citizens, friends, relations and free") to "only virtuous people",[19] a new division within mankind had been established, namely the difference between wise and foolish men. Aiming more at an ideal community of philosophers than a global state,[20] the early Stoics failed to formulate a

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[16] According to Preiser, the *practices* of the Greek city-states must be recognized as one of the great periods in the history of the law of nations; see Wolfgang Preiser, *Macht und Norm in der Völkerrechtsgeschichte* (Baden-Baden, 1978), 30ff.

[17] Concerning the evolution of moral universalism in Antiquity see Harold C. Baldry, *The Unity of Mankind in Greek Thought* (Cambridge, 1965); Andrew Erskine, *The Hellenistic Stoa: Political Thought and Action* (London, 1990); Malcolm Schofield, *The Stoic Idea of the City* (Chicago and London, 2nd ed. 1999).

[18] Plutarch, *On the fortune of Alexander* 329 A–B, in *The Hellenistic Philosophers*, vol. 1: *Translations of the principal sources with philosophical commentary*, eds. Anthony A. Long and David N. Sedley (Cambridge, 1987), 429.

[19] Diogenes Laertius, *Lives of eminent philosophers* 7:32–3 in *The Hellenistic Philosophers*, 1: 430. See also Baldry, *The Unity of Mankind*, 160f.

[20] See Erskine, *The Hellenistic Stoa*, 23: "What Zeno put forward in the *Politeia* was not a description of a world state or community as some have supposed but a philosophical inquiry. It is an ideal and natural society not located in any particular time or place." Nonetheless, as Erskine also points out, Zeno's image of an ideal society of wise men

consistent theory of international relations between peoples comparable to the Aristotelian polis-philosophy.

Later Stoic philosophers expressed their universalistic views through the idea of a community between men and gods, as described by Seneca in a famous passage:

> Let us take hold of the fact that there are two communities (*res publicas*)—the one which is great and truly common, embracing gods and men, in which we look neither to this corner nor to that, but measure the boundaries of our state by the sun; the other, the one to which we have been assigned by the accident of our birth.[21]

It has often been suggested that the Stoic idea of a community between men and gods needs to be seen as an anticipation of modern cosmopolitanism. According to Martha Nussbaum, the Stoic "idea of world citizen is in the way the ancestor and the source of Kant's idea of the 'kingdom of ends' and has a similar function in inspiring and regulating moral and political conduct."[22] However, Seneca did not propose any institution for an international order. The idea of a community between men and gods served rather as a symbol for the universality of reason than as a model for the moral and political unification of mankind. As Seneca himself underlines, we are serving the magna *res publica* mainly by philosophizing, for example by inquiring into the essence of the good or the extension of the universe.[23] Consequently, the Stoics—and the early Christians as well—did not demand the abolition of the institution of slavery but only recommended that slaves be treated clemently. The influence Stoic universalism exerted on the Roman legal system must therefore be weighed up carefully and contextualized by historical judgment.[24]

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served as an instrument for a radical criticism on class divisions and the imperial state; see ibid., 36 f. 181.

[21] Lucius Annaeus Seneca, *On leisure* 4.1, in Long and Sedley, *The Hellenistic Philosophers*, 1: 431.

[22] Nussbaum, "Patriotism and Cosmopolitanism", 7–8.

[23] See Seneca, *On leisure* 4.2, in Long and Sedley, *The Hellenistic Philosophers*, 1: 431. According to Schofield, Seneca's image of the community between men and the gods is part of the doctrine of providence and not of a theory of morality; see Schofield, *The Stoic Idea of the City*, 65. See also Otfried Höffe, *Demokratie im Zeitalter der Globalisierung* (Munich, 2002), 235: Seneca's doctrine of the two republics cannot be seen as "Inbegriff eines rechtlich geordneten Gemeinwesens . . . Weder global zuständige, kosmopolitische Institutionen tauchen auf, noch jene Gemeinsamkeiten von Recht und Unrecht, die Aristoteles mit gutem Grund zu den unverzichtbaren Elementen einer Polis zählt."

[24] From amongst the extensive literature on this topic, see C.E. Manning, "Stoicism and Slavery in the Roman Empire", in *Aufstieg und Niedergang der römischen Welt* 36 (1989), 1518–1543.

The Stoic idea of a community between men and gods (that is between all rational beings) was deepened by authors such as Panaetius and Poseidonius, both of whom developed a moral cosmopolitanism in the strict sense of the term. Though their works are lost, the important shift from an intellectual to a moral idea of the unity of mankind can be observed in the thought of Cicero. Certainly, on the one hand, the gift of reason remains the most important tie between men, for "those who have reason in common must also have right reason in common. And since right reason is Law, we must believe that men have Law also in common with the gods."[25] On the other hand though, Cicero emphasizes the universality of affections shared only by men and not by the gods: "Troubles, joys, desires and fears haunt the minds of all men . . . But what tribe does not value friendliness, generosity, and a heart that gratefully remembers a kindness? What nation does not love courtesy, kindliness, gratitude, and remembrance of favors bestowed?"[26] According to Cicero, moral orientation is not only anchored and given by the common law inherent to reason but also by elementary sentiments. As Cicero is well aware, the test case of the idea of a universal brotherhood of mankind (*societas hominum*)[27] consists in the attitude towards foreigners. "Others again who say that regard be had for fellow-citizens, but not for foreigners, would destroy the universal brotherhood of mankind."[28]

Bridging the archaic gap between foreigners and fellow-citizens, Cicero finds himself confronted with the problem of unlimited moral responsibilities: "But since the resources of the individuals are limited and the number of the needy is infinite, this spirit of universal liberality must be regulated".[29] In order to avoid overburdening moral demands, Cicero combines ethical universalism with the doctrine of a hierarchy of duties according to our different feelings towards relatives, friends and compatriots. Thus the nation (*patria*) moves into the center of Cicero's ethics while the *infinita societas hominum* remains unmentioned in this context.[30] Searching for a balance between universal and particular moral demands, Cicero further proposes the maxim that we owe to others acts

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[25] Marcus Tullius Cicero, *De legibus* I, 23, in Marcus Tullius Cicero, *De re publica. De legibus*, ed. transl. Clinton Walker Keyes (London and Cambridge, 1928; Reprint 2000).

[26] Cicero, *De legibus* I, 32.

[27] See Cicero, *De officiis*, ed. trans. Walter Miller (London and Cambridge, 1913; Reprint 2001), I 15,17, 20f. 50–60. 153–160; III 21–32.

[28] Cicero, *De officiis* III, 28, 295.

[29] Ibid., I, 52, 57.

[30] See ibid., III, 53, 57–58.

which are "useful to the recipient and cause the giver no less." This maxim is illustrated by some examples: " 'Deny no one the water that flows by;' 'Let anyone who will take fire from our fire;' 'Honest counsel give to one who is in doubt' ". Such acts help others and ensure at the same time "that we may continue to have the means for being generous to our friends."[31]

The commitment to a moral—and not only rational—unity of mankind inspired Cicero to contribute to the formulation of a political cosmopolitanism. As is commonly known, it was Cicero who introduced the notion of *ius gentium* into classical ancient philosophy. Though originally referring to the rights of foreigners within the Roman Empire, Cicero uses this term also in regard to problems between the Romans and other *gentes*, for instance the protection of legates. In order to underline its universal validity, *ius gentium* is equated with the natural law. Cicero's remarks on the *ius gentium*, which have been taken over by the Roman jurists, are obviously ambiguous and inconsistent. Nonetheless, the concept of *ius gentium* has become a fixed term of occidental political philosophy, serving as an important conceptual basis for modern theories of a law of nations.

Cicero's thought not only marks an important step in the evolution of the idea of a moral unity of mankind within occidental philosophy; of no less historical importance is his attempt to unify ethical universalism with the historiographical concept of a universal history, for both streams of cosmopolitan thought had developed independently in Antiquity, as our brief consideration of Polybius indicated. The long-lasting effects of the synthesis between ethical and political cosmopolitanism can hardly be overestimated. Henceforth the classical ancient ideas of a unity of mankind are overshadowed by Roman claims to World Empire, already illustrated by Cicero's remarks on the *ius belli*.[32] In a first step, Cicero presents the main provisos for a just war: the promotion of peace, the official declaration of military actions, the humane treatment of the defeated, etc. Ultimately though, just wars are based on just reasons, "for only a war waged for revenge (*ulciscendi aut propulsandorum hostorum*) can actually be just."[33] But the question is whether only the victims of aggression

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[31] Ibid., I, 52, 55, 57.

[32] See Cicero, *De re publica* II 17.31; III 23.35; *De officiis* I 11.34–I 13.40. See also Helga Botermann, "Ciceros Gedanken zum 'gerechten Krieg' in *de officiis* 1 34–40", in *Archiv für Kulturgeschichte* 69 (1987), 1–29; Maximilian Forschner, *Stoa und Cicero über Krieg und Frieden* (Stuttgart, 1988).

[33] Cicero, *De re publica* III 23.35, 212f.

are entitled to retaliate, or if a third party may undertake action. Cicero seems to prefer the second line of interpretation, extending its significance in other passages of his work. Thus, not only the avenging victims but also the protection of allies and even civilizing barbarian peoples are accepted as reasons for just wars.[34] Cicero seems to be entirely convinced that the Romans have expanded their dominion over the *oikumene* solely by just wars.

To sum up: on the one hand, Cicero's work contains remarkable contributions to the moral idea of the unity of mankind; on the other hand, due to his uncritical affinity to the idea of a Roman World Empire, Cicero considerably distorts the moral concept of a *societas hominum* because the identification of mankind with the Roman people negates the autonomy of all peoples living outside the *oikumene*.[35] Consequently, Cicero's remarks on *ius belli* and *ius gentium* do not aim at a law of nations in the proper sense of the term, and so a theory of a legal order between people remains a lacuna in classical ancient philosophy.

2.3. *Disputes about the Limits of the Oikumene*

As already mentioned, the doctrine of the spherical shape of the earth implied a reinterpretation of the oriental concept of World Empire, which originally presupposed the image of a flat earth encircled by the 'Okéanos'. Since Plato, the idea of the globe had inspired speculation about unknown peoples living in the southern or the western ocean. According to Crates of Mallos (ca. 168 BCE), the surface of earth is arranged symmetrically between four inhabited worlds, which are separated by the equatorial Ocean and the sea along the meridian.[36] Though the geometrical arrangement of the earth's surface was only postulated on the basis of philosophical principles, Crates' worldview became popular in Roman

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[34] See Cicero, *De officiis* II 26–27; *De re publica* III 13.23; 24.36.

[35] See Anthony Pagden, *Lords of all the Worlds. Ideologies of Empire in Spain, Britain France, c. 1500–c. 1800* (New Haven, 1995), 23: "the concept of the *orbis terrarum* became in effect the appropriation by the political realm of the Stoic notion of a single human genus." The same conclusion was drawn already by J. Kaerst, *Die antike Idee der Oekumene in ihrer politischen und kulturellen Bedeutung* (Leipzig, 1903), 22f.: "Die civilisatorische Idee des einheitlichen Menschengeschlechts verschmilzt in zunehmendem Maße mit dem organisatorischen Verbande des römischen Weltreiches."

[36] The fragments of Crates are edited by Hans Joachim Mette, *Sphairopoiia. Untersuchungen zur Kosmologie des Krates von Pergamon* (Munich, 1936).

society, inevitably influencing political ideas.[37] Cicero, for instance, used the image of other landmasses to indicate the smallness of human beings and their pursuit of unlimited power and eternal glory. Indeed, as the world oceans were assumed to be insurmountable by men, Crates' view of the globe implied the restriction of the idea of a World Empire to hegemony over the *oikumene*. During the first century BCE, however, Crates' worldview was seriously called into question both by thinkers and politicians. Poseidonius cast doubt on the thesis of an extreme heat around the equator unbearable for men. Because the western ocean lies within the temperate zone, Strabo considered a crossing of the Atlantic to be a technical rather than a geographical problem.[38] But speculations on transcending the borders of the *oikumene* were nourished by the spectacular expansion of the Roman Empire during the first centuries BCE and CE. Above all, Caesar's expedition to Britannia was perceived by contemporaries as proof that the Romans were able to conquer even the Atlantic. Pompeius' pacification of the eastern Mediterranean Sea extended Roman hegemony to Mesopotamia, which enabled trade relations with India and indirectly even with China. The gigantic extension of the Roman spheres of influence emphatically praised by poets—Virgil drew the famous image of an "*imperium sine fine*"[39]—provoked new reflections on the limits of the Roman Empire. On the one hand, authors such as Strabo restricted the idea of Roman World domination to the *oikumene*. As the Roman people were held to be the true representatives of mankind because of their urban culture, Strabo drew the image of concentric arrangement of the *oikumene*, with Rome as its civilized center surrounded by the barbarians on the edges of the known world.[40] Other arguments against the transoceanic adventures were concerned about the inner stability of the political order. Seneca the Elder warned of an overexpansion of the Roman Empire,

[37] For instance, Crates' assumption of four landmasses is also mentioned by Cicero, *De re publica* VI 19.20, 272–274.

[38] See Strabo, *Geographika* I 4.6, ed. trans. Stephan Radt, 6 vols. (Göttingen, 2002–2006), 1: 160–163.

[39] Publius Maro Vergil, *Aeneidos* I.278f, in *Opera*, ed. R.A.B. Mynors (Oxford, 1969), 111: "his ego nec metas rerum nec tempora pono / imperium sine fine dedi." Yet, Vergil still adheres to the traditional view that the world domination of the Romans will end at the *Okéanos*, see ibid. I.287.

[40] For a detailed study on Strabo's conception of the Roman World Empire see Katherine Clarke, *Between Geography and History. Hellenistic Constructions of the Roman World* (Oxford, 1999), 193–336; Johannes Engels, *Augusteische Oikumenegeographie und Universalhistorie im Werk Strabons von Amasea* (Stuttgart, 1999).

re-evoking archaic fears of the *Okéanos*.[41] On the other hand, some Roman poets envisaged frankly the expansion to other inhabited worlds. Tibull, for instance, held out the prospect of the conquest of the Antipodes, so that Mesalla would be praised by the peoples of both zones.[42] But, except for some expeditions to the north, the Romans never really crossed the Atlantic in a westward direction. On the contrary, since the end of the first century CE, the Roman emperors were primarily occupied with securing their borders against invasion. Lacking any real encounter with the great cultures of other inhabited worlds, the classical ancient idea of the unity of mankind remained within the ideological framework of the *oikumene* geography, as theoretically outlined by Strabo.

Yet after the rise of the Persian Empire from the third century CE onwards, the Roman emperors were suddenly confronted with a second power center within the *oikumene*. Though the reign of the Sassanids openly challenged Roman hegemony in Asia, Rome upheld its claim to World Empire, which was henceforth mainly based on the idea of cultural superiority and not on territorial realities. For this reason we can observe a paradoxical coexistence between two conflicting cosmopolitan conceptions during the late Roman Empire. While still confirming the claim of universal domination, Roman emperors arranged their relations to neighboring peoples through pacts and convenants. Though Roman jurists developed a complex set of international treaties during the third and the fourth centuries CE—the contracts with the Sassanids were even based on the principle of reciprocity[43]—the theoretical foundation of a

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[41] Seneca the Elder, *Suasoriae* I.1, ed. trans. William A. Edward (Bristol, 1996), 39: "In nature everything that has magnitude has limits too: there is nothing boundless except the Ocean. It is commonly said that there lie fertile lands in the Ocean, that beyond the Ocean again other shores, another world arises, and there is no end to created things, but ever a new world begins where the old seems to end. It is easy to invent such tales since one cannot sail the Ocean. Let Alexander be content with having conquered that portion of the world where the sun is content to shine."

[42] Tibull, *Panegyricus Mesalla*, VII (=IV.1), 149f. in *Albii Tibulli aliorumqume libri tres*, ed. Fredericus Walharius Lenz and Godhardus Carolus Galinsky (Leiden, 1971), 154: "te manet invictus Romano Marte Britannus / teque interiecto mundi pars altera sole." Ibid., VII (=IV.1), 175f., 155: "ergo ubi claros ierint tua facta triumphos, / solus utroque idem diceris magnus in orbe." For more data concerning ancient speculation on the Antipodes, see Gabriela Moretti, "The Other World and the 'Antipodes'. The Myth of the Unknown Countries between Antiquity and the Renaissance", in *The Classical Tradition and the Americas*, vol. 1, ed. Wolfgang Haase and Reinhold Meyer (Berlin and New York, 1993), 241–284.

[43] See Raimund Schulz, *Die Entwicklung des römischen Völkerrechts im vierten und fünften Jahrhundert n. Chr.* (Stuttgart, 1993).

law of nations was still inhibited by the persistent attraction of the idea of a Roman World Empire.

To sum up: the Stoic-Christian tradition created the idea of a moral unity of mankind, which marked a breakthrough in the history of occidental moral philosophy. Though both the Greek city-states and the late Roman Empire entered into and maintained legal relations with other peoples, ancient cosmopolitanism failed to develop a theory of a law of nations. Since Alexander the Great, the oriental idea of a World Empire had increasingly infiltrated all the reflections concerning the political order between peoples. The idea of world domination based on the *oikumene* geography also corrupted the historical attainment of an ethical universalism. Though the Stoic philosophers rejected the Aristotelian doctrine of natural slavery, it was never called into question that the Romans had the right to subdue the barbarians and conquer their lands. Thus, morally, the status of the peoples outside the *oikumene* remained precarious.

2.4. *Some Remarks on Universalistic Ideas of Medieval Christianity*

Medieval Christian theologies perpetuated both the attainments and the ideological features of classical ancient cosmopolitanism. The New Testament contains a clear commitment for an ethical universalism, almost totally neglecting questions concerning the political order between peoples. Nonetheless, the Christians had adopted the idea of world domination since Constantine, even though Augustine's critical remarks on the Roman Empire remained present. Although some centuries later medieval Christendom was divided into two reigns, the ideal of Christian world domination was never dismissed.[44] On the contrary, Byzantium enforced its claims to World Empire until 1453. In Latin Christendom the idea of World Empire became a matter of ideological and political controversy between the Pope and the Emperor. The obvious fact that the Christian sovereigns controlled only small territories was compensated for by the belief in the superiority of the Christian culture. Like the ancient Romans, Christian societies understood themselves to be the true representatives of mankind. Thus, the ancient dichotomy between civilized and barbarian

[44] For a detailed study of the different conceptions of 'Empire' in the Middle Ages, see James Muldoon, *Empire and Order. The Concept of Empire, 800–1800* (London, 1999), 1–113.

people also permeated Christian thought.[45] As in Greek and Roman philosophy, the ethical idea of the unity of mankind was again distorted by certain distinctions, above all the differences between Christians and pagans. The pagans were divided into three groups based on spatial and theological criteria.[46] The status of the first group, pagans who lived under Christian rulers, was a controversial issue. While proponents of the natural law pleaded for the legal protection of their lives and property rights, some spiritual groups condemned them because of their infidelity. Those pagans, however, who lived in former Christian territories of the Roman Empire were conceived as enemies of Christendom. It was broad consensus amongst medieval theologians that these pagans could be attacked by Christian sovereigns in a just war. All pagans outside the *oikumene* were the objects of theoretical speculations inspired by mythological images of fabulous beings on the edges of the known world.

Of course, the doctrine that all men are made in the image of God was generally admitted by medieval theologians. But a commitment to the dignity of all men was comprehended in a more spiritual than political sense. Thus, the question of the moral status of the infidels was the focus of hefty controversy. Some theologians, such as Hostensius, claimed that infidels had lost their human dignity as *imago dei*; other schools defended their dignity based on the doctrine of natural law.

Moreover, regarding the natural dimension of human beings, medieval theologians stressed inequalities, adopting the Aristotelian doctrine of the natural dominion of reasonable men over those who were considered unable to rule themselves because of their weak rational capacities.[47] Bonaventura and Thomas Aquinas thus justified the feudal order with different theological and philosophical arguments.[48] Tholomy of Lucca, who finished *De Regimine principum* of Thomas Aquinas, even adopted some elements of the ethnological geography of classical ancient historiography,

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[45] See Pagden, *Lords of all the Worlds*, 24: "The *orbis terrarum* thus became, in terms of the translation effected by Leo the Great in the fifth century, the 'orbis Christianus'. A century later, Gregory the Great would translate this into the 'sancta respublica', a community endowed with the same simultaneous open exclusiveness which had been a feature of the Ciceronean 'respublica totius orbis'."

[46] For a detailed study on this topic, see James Muldoon, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250–1550* (Philadelphia, 1979).

[47] See Aristotle, *Politica* I 5: 1254a24–1254b2, 7.

[48] See Günther Mensching, "Die Rechtfertigung von Unfreiheit im Denken des Hochmittelalters", in *Unfreie Arbeits- und Lebensverhältnisse von der Antike bis in die Gegenwart*, ed. Elisabeth Herrmann-Otto (Hildesheim et al., 2005), 117–129.

calling the barbarians near the equator "slaves by nature".[49] Yet Tholomy did not merely repeat the Aristotelian doctrine of natural slavery, which already had been reinterpreted by his great teacher. According to Thomas Aquinas, "natural slaves" must not be seen as mere instruments but as parts of their masters as children are parts of their parents.[50]

But barbarians on the equator had been a speculative rather than a real problem for medieval moral theology. With the exception of the Mongolian invasion, the Christians were never really confronted with powerful peoples outside the *oikumene*. Theologians therefore never felt the need to correct the ideological synthesis between the moral idea of the unity of mankind and the political idea of a Christian World Empire based on the ancient *oikumene* geography.

Although the writings of Ptolemy remained unknown in medieval Christianity until the thirteenth century, the geographical worldview nonetheless did not revert to a mythological level. Crates' theory of four inhabited worlds, for instance, was known through Macrobius and Marcianus Capella.[51] While some theologians, for example Albert the Great, had supposed that the equatorial waters could be crossed by men,[52] in general the Christian geographical worldview was restricted to the *oikumene* because all events of holy history took place within the borders of the known world. Furthermore, Augustine had rejected the existence of other inhabited worlds, putting forward the theological argument that the

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[49] See Thomas Aquinas, *De regimine principum ad regem Cypri et De Regimine Judaeorum*, editio II revisa, ed. Joseph Mathis (Turin and Rome, 1948), II 8, 28: "Probat enim Ptolemaeus in *Quadripart*., regiones hominum esse distintas secundum constellationes diversas, quantum ad eorum regimen, circumspectio, semper secundum ipsum, super stellarum dominium imperio voluntatis." Ibid., II 10: "contigit aliquos deficere a ratione propter defectum naturae: tales oportet ad opus inducere per modum servile, quia ratione uti non possunt, et hoc iustum naturale vocatur. Haec autem omnia Philosophus tangit *in I Polit*." See also Silvio Zavala, *Servidumbre natural y Libertad cristiana según los Tratadistas españoles de los Siglos XVI y XVII* (Buenos Aires, 1944), 26f.

[50] See Stephen F. Brett, *Slavery and the Catholic Tradition. Rights in the Balance* (New York et al., 1994), 24: "It is almost impossible to overemphasize the importance of this analogy. The servant is 'part' of his master (not entirely ad alterum) in the same way that a son is 'part of' his father." Brett refers to Thomas, *Summa theologiae* II-II, q. 54, ad.4.

[51] See Anne-Dorothea von den Brincken, *Fines Terrae. Die Enden der Erde und der vierte Kontinent auf mittelalterlichen Weltkarten* (Hanover, 1992), 27–43; Crates' worldview is mentioned by Martianus Capella, *De nuptiis Philologiae et Mercurii* VI, §§ 590–703 and Macrobius, *Commentarii in Somnium Scipionis* II 5–9.

[52] See William G.L. Randles, "Classical Models of World Geography and their Transformation following the Discovery of America", in *The Classical Tradition and the Americas*, vol. 1: *European Images of the Americas and the Classical Tradition* (Berlin and New York, 1993), 32f.

idea of people living in the Antipodes would negate the universal significance of redemption by Jesus Christ.[53] For this reason even the Mongolian conquests could not destroy the Christian image of the *oikumene* as the frame for the history of "humankind", as can be observed graphically on the medieval *mappae mundi*.[54]

Nonetheless, medieval theology enriched ancient cosmopolitanism with important contributions. I would like to emphasize two theoretical achievements. Firstly, Cicero's sparse remarks on the *ius belli* were systematized by Augustine and Thomas Aquinas. Its significance for the genesis of modern cosmopolitanism can hardly be overestimated, for the theory of the just war was one of the theoretical frameworks of the moral debates on European colonialism during the sixteenth century.[55] Secondly, Dante Alighieri's *Monarchia* contains the first *philosophical* foundation of World Empire on a level comparable to that of Aristotelian *Politics*. According to Dante, peace between the peoples can only be established by a universal monarchy. But Dante's political philosophy remains within the limits of an *oikumene* geography that still identifies the center of power with the Roman people.[56] Notwithstanding this view, the modern theories of a universal monarchy from Leibniz through to the early Kant cannot be understood without consideration of Dante's *Monarchia*.

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[53] See Augustine, *De civitate Dei* 16, 7–9, ed. Emanuel Hoffmann, CSEL 41: 138–142. But Augustine's theological reservations were not generally admitted by medieval theology. According to William of Conches for instance, all four landmasses mentioned by Crates are inhabited by men, see William G.L. Randles, "Classical Models of World Geography and their Transformation following the Discovery of America", in *The Classical Tradition and the Americas*, ed. Wolfgang Haase and Reinhold Meyer, vol. 1 (Berlin and New York, 1993), 32f.

[54] New information about the Far East delivered by Marco Polo had been integrated by medieval cartography into the existing geographical framework; see Brincken, *Fines terrae*, 5: "Anders als die Moslems, die zum Anbau bereit sind, finden Neuerkenntnisse des lateinischen Mittelalters in Form von Einbauten ihren Niederschlag." This means that the outlines of the 'oikumene' were corrected with extreme reservation, see ibid: "China schließt im Norden an Indien an, der vierte Kontinent verschmilzt mit dem etwas vergrößerten Afrika."

[55] See Frederick H. Russel, *The Just War in the Middle Ages* (Cambridge et al., 1975); Ernst-Dieter Hehl, *Kirche und Krieg in 12. Jahrhundert* (Stuttgart, 1980); Gerhard Beestermöller, *Thomas von Aquin und der gerechte Krieg* (Cologne, 1990).

[56] A short and precise interpretation von Dante's "De monarchia" is given by Henning Ottmann, *Geschichte des politischen Denkens*, vol. 2.2: *Das Mittelalter* (Stuttgart, 2004), 232–244.

3. *Francisco de Vitoria's Foundation of a Modern Cosmopolitanism*

In order to understand the transformations taking place in moral and political philosophy during the "Age of Discovery", it is important to scrutinize carefully those points where the traditional worldview was seriously challenged. In respect of the *physical* geography, the Portuguese and Spanish expeditions did not entirely destroy ancient views. Of course, the Portuguese exploration of the African coasts refuted both Crates' thesis of an extreme torrid equatorial zone uninhabitable for men as well as Ptolemy's assumption of a semi-enclosed Indian ocean. At the same time, however, the European seafarers confirmed the theory of Poseidonius, namely that expeditions to the southern half of the earth were not geographically impossible. Similarly, Columbus ratified the ancient claims of Strabo or Seneca that the Atlantic Ocean could be crossed by men.

Unlike mathematical geography, which principally allowed internal corrections through new empirical data, with its fragile synthesis between geographical, anthropological, moral and political ideas, traditional historiography was threatened by a grave crisis. Two aspects must be emphasized in this context. Firstly, empirical information about the barbarians living on the edges of the known world and the equatorial zone challenged the traditional assumptions of ethnological geography. Secondly, after encountering the Aztecs and Incas, occidental societies were confronted with peoples of another *oikumene*, a fact that provoked serious revisions of the traditional dichotomy between civilized and barbarian peoples.

During the first phase of discoveries, Europeans tried to deal with the crisis of the *oikumene* geography by adapting already well-known cosmopolitan ideas to the new realities. In 1504, only a few years after the expeditions of Columbus, the Scottish theologian John Major identified the newly discovered peoples of the New World as the "natural slaves" who were supposed to live near the equator.[57] Mercurio Gattinara, the humanist and Lord Chancellor of Charles V, adopted Dante's conception of universal monarchy, claiming that the Spanish Empire had excelled the *Imperium Romanum*, which never expanded to other inhabited worlds.[58]

But the strategy to integrate the new realities into the framework of medieval universalism had already collapsed by the middle of the sixteenth

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[57] See Pagden, *The Fall of Natural Man*, 38f.

[58] See Hamilton, *Empire and Order*, 116f; Franz Bosbach, *Monarchia Universalis. Ein politischer Leitbegriff der frühen Neuzeit* (Göttingen, 1988), 45–55.

century. The fatal crisis of pre-modern cosmopolitanism was triggered in the main by two developments. Firstly, the extreme violence of the colonial masters and the massacres committed in the New World revealed the ideological restrictions of the ancient idea of mankind. Suddenly the highly hypothetical reflections about people living outside the Christian *orbis* lost their theoretical innocence. Henceforth, arguments postulating natural slaves or formulating the precarious status of infidels served as justification for real imperial violence. As is well known, Vitoria's examination of the problems afflicting American Indians was provoked by shock at the brutality and perfidy of the Spanish conquest of the Inca Empire.[59] Secondly, the expansion of the Ottoman Empire northwards through the Balkans and the continuing flow of information from China undermined the highly phantasmal claims of Christian world domination. Moreover, Gattinara's dream of a universal monarchy under Spanish guidance had already aroused the suspicion of other European powers, particularly England and France. The deep crisis afflicting the claimed universality of the power of medieval Christendom paved the way for reflections on a new cosmopolitanism. In this situation Francisco de Vitoria embarked on a radical revision of occidental universalism, on both the moral and political levels. While here it is simply impossible to do justice to the richness of Vitoria's moral and political thinking concerning the problems of the New World, I would nonetheless like to at least indicate some key aspects of his cosmopolitanism, as articulated in the famous lectures *Relectio de Indis* (*On the America Indians*, 1539).[60]

As already mentioned, the lectures *On the American Indians* were provoked by the brutality of colonial dominion in the New World. But instead of appealing to the colonial masters to treat the indigenous people with clemency, Vitoria poses a provocative question: whether the conquest

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[59] See Vitoria's *Letter to Miguel de Arcos* (1534), in: Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremey Lawrence (Cambridge et al., 1991), 331–333.

[60] A critical edition of the Latin text was compiled by Luciano Pereña: Francicso de Vitoria, *Relectio de Indis o libertad de los indios*, ed. trans. Luciano Pereña et al. (Madrid, 1967). An English translation is available in: Vitoria, *Political Writings*, 233–292. From amongst the extensive literature dealing with Vitoria's lectures on the New World and his moral philosophy in general I would like to refer to the following studies: Pagden, *The Fall of Natural Man*, 57–108; Daniel Deckers, *Gerechtigkeit und Recht: eine historisch-kritische Untersuchung der Gerechtigkeitsidee von Francicso de Vitoria* (*1483–1546*) (Freiburg i.Br. and Vienna, 1991); Heinz-Gerhard Justenhoven, *Francisco de Vitoria zu Krieg und Frieden* (Cologne, 1991); Francisco Castilla Urbaño, *El Pensamiento de Francisco de Vitoria. Filosofía Política e Indio Americano* (Barcelona, 1992); María del Carmen Rovira Gaspar, *Francisco de Vitoria. España y América. El Poder y el Hombre* (México, 2004).

itself could be justified on moral grounds. After more than four decades of colonial rule, Vitoria opens his lectures with the question: "Whether these barbarians, before the arrival of the Spaniards (!), had true dominion, public and private?"[61]

In the first section Vitoria clarifies the moral status of the peoples of America, rejecting both philosophical and theological arguments repudiating their human dignity. In this context the theory of natural slavery is categorically negated. "Slavery is a civil and legal condition, to which no man can belong by nature (*quia nullus est servus natura*)."[62] Defending Aristotle against his own statements, Vitoria affirms, however, a legitimate use of the term *natura servus* in the sense of a natural dominion of men endowed with more intelligence over those who are not able to rule themselves.[63] But as Vitoria clearly states, the doctrine of natural dominion cannot be applied to the American Indians as John Major and some theologians of the Spanish court had proposed, for the peoples of the New World had built cities, formed institutions such as municipalities, practiced marriage, engaged in commerce and so on. There can therefore not be the slightest doubt that they are reasonable men capable of governing themselves. Furthermore, it would contradict the wisdom of God if the whole population of another 'oikumene' lacked the capacity of reason in the full sense of the term. For "God and nature never fail in the things necessary for the majority of the species, and the chief attribute of man is reason".[64] Secondly, Vitoria rejects the theological argument that men would lose their human dignity as the image of God by mortal sins or infidelity, "for man is the image of God by his inborn nature that is by his rational powers. Hence he cannot lose his dominion by mortal sin."[65] In a third step, Vitoria positively defends the dignity and rights of the 'Americans' based on the doctrine of natural law; "the clear conclusion of the first question is therefore *that before arrival of the Spaniards these barbarians possessed true dominion, both in public and private affairs*."[66]

In the second section, Vitoria liberates Christian ethics from its linkages with the idea of World Empire, destroying both imperial and papal claims

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61 Vitoria, *On the American Indians*, I 1, in *Political Writings*, 239.

62 Ibid., 1 6, conclusion; 251.

63 Ibid.

64 Ibid., 1 6.4; 250.

65 Ibid., 1.2 ad. 3; 242; see also ibid., I 3 246: "THE CONCLUSION of all this is that the barbarians are not impeded from being true masters, publicly and privately, either by mortal sin in general or by the particular sin of unbelief."

66 Ibid., I, Conclusion; 251.

of universal domination. "MY FIRST PROPOSITION is that the emperor is not master of the whole world."[67] And: "The pope is not the civil or temporal master of the whole world."[68] The claims to World Empire are rejected by both normative and empirical arguments. Firstly, the idea of world domination contradicts both the *ius naturale*—because in natural law all men are free—and the *ius divinum*, insofar as the people of Israel dedicated only to Jahweh have never been subjugated *de iure* to any World Emperor.[69] Referring to John 18:36, Vitoria refutes the doctrine of the *translatio imperii* which has constructed a continual tradition from the reign of Jesus to Constantine and the medieval emperors. The kingdom of Christ is spiritual, not temporal, "therefore, that to say that there is a single emperor and master of the world by livery of seisin (*traditio*) from Christ is simple twisting of evidence."[70] Taking into account that the idea of a Christian World Empire has distorted the universalistic claims of the stoic-Christian ethics for more than a thousand years, the historical significance of Vitoria's rigorous rejections of medieval universalistic power can hardly be overestimated.

After having corrected some ideological elements of ancient and medieval cosmopolitanism, Vitoria proceeds with the constructive part of his lectures, which contains the famous foundation for a law of nations.[71]

Vitoria not only presents a systematization of the well-known norms of the *ius gentium*, for example the mutual protection of ambassadors, which had already been recognized by the ancient rulers in Mesopotamia; taking

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[67] Ibid., 2.1.; 253.

[68] Ibid., 2.2; 260.

[69] See ibid., 2.1, 254: "First, as regards natural law: St Thomas says that in natural law all are free other that from the dominion (dominium) of fathers or husbands, who have dominion over their children and wives in natural law . . . therefore no one can be emperor of the world by natural law . . . Besides, Nebudkadnezzar's empire did not reach de iure over the whole world, as Bartolus thinks, since the Jews were not by right his subjects. And this last fact proves that no one was ever master of the whole world by divine law, because the people of Israel were free of any foreign suzerain".

[70] Ibid., 2.1; 256. Completing this line of argumentation, Vitoria adds that the World Empire cannot either be justified by human law, "nor does the emperor have universal dominion by legitimate succession, gift, exchange, purchase, just war, election, or any other legal title, as is established."

[71] Since the late nineteenth century, Vitoria is repeatedly seen as one of the founders of the modern law of nations, see for instance James Brown Scott, *The Spanish Origins of International Law. Francisco de Vitoria and his Law of Nations* (Oxford, 1934); Antonio Truyol y Serra, *Los principios del derecho público en Francisco de Vitoria* (Madrid, 1946); Josef Soder, *Die Idee der Völkergemeinschaft. Francisco de Vitoria und die philosophischen Grundlagen des Völkerrechts* (Frankfurt and Berlin, 1955). The most comprehensive analysis of Vitoria's doctrine of *ius gentium* is given by Deckers, *Gerechtigkeit und Recht*, 358–387.

the sociability of human nature as his starting point, he also conceives the utopian vision of a world society in which not only all peoples and states but all men are members of a global community. His theory of *ius gentium* therefore not only aims at establishing external peace between states but also a "natural partnership and communication (*naturalis societatis et communicationis*)"[72] of all men of the earth. For this reason, the laws ruling the relationships between independent societies or states form only a part of Vitoria's doctrine of the law of nations. While the vision of a universal partnership between men is influenced by Cicero's concept of a moral unity of mankind, Vitoria's view differs from Cicero on at least two important points. Firstly, the idea of mankind is no longer restricted by the frontiers of the Roman Empire or the *oikumene* geography but envisages a global society in the strict sense of the word. Secondly, Vitoria extends the Stoic idea of a universal community in a qualitative sense as well. The natural society of mankind is not only bound to the *ius naturale*, but also to human laws enacted by a universal consensus of mankind itself, as Vitoria had already explicated in his lectures *Of civil Power* (1527/28): "The whole world, which is in a sense a commonwealth, has the power to enact laws which are just and convenient to all men; and these make up the laws of nations."[73]

Beyond securing a peaceful coexistence between states, Vitoria's *ius gentium* aims at the promotion of a global community between all men who regulate their relations through the idea of a universal justice founded in the law of nature and the universal consensus of mankind.[74] The concrete laws of nations, namely the right to travel, to trade, to become a citizen in a foreign country and the like, are founded in the vision of a global society because all these rights not only secure certain standards of justice but enable communication between men around the world.[75] Following this line of argumentation, Vitoria develops one of the most striking innovations of the theory of a law of nations introduced in question 3, article 5 of his lectures *On the American Indians*:

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[72] Vitoria, *On American Indians*, I 3; 278.

[73] Vitoria, *On Civil power*, 3.4, in *Political Writings*, 40.

[74] See Deckers, Gerechtigkeit und Recht, 329: "Mit dieser hier *in nuce* erscheinenden … Theorie des *jus gentium* wird die Gerechtigkeitslehre um eine—nach dem gegenwärtigen Stand der Forschung vor Vitoria noch nicht konzeptualisierte—Gerechtigkeitsdimension erweitert: Universale Gerechtigkeit."

[75] See Vitoria, *On the American Indians* 3.1; 278–284.

> The next title could be either on account of the personal tyranny of the barbarians' masters toward their subjects, or because of their tyrannical and oppressive laws against the innocent, such as human sacrifice practised on innocents or the killing of condemned criminals for cannibalism. I assert that in lawful defence of the innocent from the unjust death, even without the pope's authority, the Spaniards may prohibit the barbarians from practising any nefarious custom or rite.[76]

This statement seems to be the first *theoretical* expression of what is called "humanitarian intervention" in current debates. Neither the Stoics nor the early Christians had derived such a radical obligation from the idea of the unity of mankind.[77] Yet at the same time, the doctrine of humanitarian intervention imposes the burden of a serious ambiguity on modern cosmopolitanism, for the demand to liberate victims of tyrannical regimes is not only addressed to states but also to individuals. Thus, the duties of global solidarity seem to excessively overburden the moral capacities of individuals. For this reason modern philosophy is determined by an ongoing controversy as to the limits of global solidarity, extending from Rousseau's polemic against the cosmopolites, who love the tartars but hate their neighbors, through to current debates between communitarism and discourse ethics.[78] Moreover, the ethics of humanitarian intervention

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[76] Ibid., 3.5; 287f.

[77] This thesis is supported by Cavallar, *The Right of Strangers*, 99: "I suggest that we acknowledge Vitoria's originality in this respect. He took the first and authentic look at the problem". Other scholars trace back the ethics of humanitarian intervention to ancient politics and medieval theology. See for instance Rudolf Schüßler, "Die humanitäre Intervention in der Doktrin des gerechten Krieges", in *Menschenrechtsschutz. Politische Maßnahmen, zivilgesellschaftliche Strategien, humanitäre Interventionen* (Baden-Baden, 2002), 209: "Eine rein humanitäre Intervention zum Schutze von Nichtchristen vor massenhafter, willkürlicher Tötung hätte wohl . . . unschwer die Billigung mittelalterlicher Juristen gefunden." In the same vein Schüßler assumes, "daß Thomas militärische Interventionen zum Schutz Unschuldiger vor Gewaltverbrechen moralisch gebilligt hätte." (Ibid., 210) A more sceptical view on Thomas' ethics of humanitarian intervention is given by Beestermöller, "Die humanitäre Intervention—Kreuzzug im neuen Gewand? Ein Blick auf die gegenwärtige Diskussion im Spiegel der thomanischen Lehre vom gerechten Krieg", in: *Die humanitäre Intervention—Imperativ der Menschenrechtsidee?* (Stuttgart, 2003), 141–169. Even if the assumption of implicit acknowledgement by medieval theology is correct, it would be the historical achievement of Vitoria to have developed explicitly an ethics of humanitarian intervention based on the theory of a global world society. Of course, for a historical proof of the innovative character of Vitoria's ethical universalism, further studies are needed.

[78] See Jean-Jacques Rousseau, *Émile ou de l'éducation*, in *Œuvres completes*, vol. IV, eds. Bernard Gagnebin and Marcel Raymond (Paris, 1969), 249: "Tel philosophe aime les Tartes pour être disponsé d'aimer ses voisins." Historical sketches on the continuous controversies within modern European thought concerning cosmopolitan duties are to be found in Hennig Ritter, *Nahes und fernes Unglück. Versuch über das Mitleid* (Munich, 2004).

presupposes a moral basis, the universalistic validity of which must be beyond doubt. Otherwise, humanitarian intervention may turn into an instrument of cultural imperialism. It must be conceded that Vitoria himself does not entirely avoid the pitfalls of his new cosmopolitanism. Though the property rights of the transoceanic peoples are justified by the doctrine of natural law, Vitoria never doubts that the concept of the *bonum commune* of mankind rests on Christian ideas.[79] Starting from this ambiguous foundation, Vitoria goes on to deduce a dubious title for a just war against the people of the New World. Given the principle "that ambassadors are inviolable in the law of nations (*ius gentium*)" and the assumption "that the Spaniards are the ambassadors of Christendom", the Spanish reigns are entitled to violently enforce the right to preach the gospel if Christian missionaries are expelled by barbarian rulers.[80]

To sum up in conclusion: the crisis of classical ancient and medieval cosmopolitanisms was triggered in the main by the changes of geographical worldviews during the 'Age of Discovery'. In this situation Vitoria laid the foundations for a specific modern cosmopolitanism that rejected certain limits of ancient universalism, above all the reference to the idea of World Empire based on the *oikumene* geography. The most important achievement of Vitoria's cosmopolitanism consists in a *philosophical theory* of a law of nations and the idea of a world society based on universal solidarity. From the eighteenth century onwards, the philosophy of the Enlightenment tacitly adopted Vitoria's innovative idea of a world society based on global solidarity, mostly without any reference to its origins in the colonial debates during the sixteenth century, observable in a famous passage by Immanuel Kant:

> The intercourse, more or less close, which has been everywhere steadily increasing between the nations of the earth, has now extended so enormously that a violation of right in one part of the world is felt all over it. Hence the idea of cosmopolitan right is no fantastical, high-flow notion of right, but a complement of the unwritten code of law. . . .[81]

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[79] The contradictories caused by the amalgamation of the religious and secular order in Vitoria's thought are discussed by Jóse A. Fernández-Santamaría, *The State, War and Peace. Spanish Political Thought in the Renaissance 1516–1559* (Cambridge et al., 1977), 108–113.

[80] Vitoria, *On the American Indians*, 3.1; 283.

[81] Immanuel Kant, "Zum ewigen Frieden", in *Kants gesammelte Schriften*, ed. Königlich Preußische Akademie der Wissenschaften (Berlin and Leipzig, 1923), 8: 360; English translation as Perpetual Peace: A Philosophical Essay, trans. M. Campbell Smith (London, 1917).

And yet, Vitoria's moral innovations produced new problems as well. While the principle of liberating victims of violence irrespective of which corner of the earth they are living expresses the inner spirit of modern cosmopolitanism, as far as the problems of justifying universal moral standards which could bear the legitimacy of violent interventions, and taking into account the dangerous dynamics unleashed by the use of military force, it becomes immediately obvious that the ethics of humanitarian intervention contains deep-seated ambiguities, as current day trends in international politics demonstrate dramatically, with the ethics of humanitarian intervention becoming a focus of controversial debates in contemporary political philosophy.

THE BETTER HUMAN BEING: THE DISPUTE ON MORALITY IN HUMANISM AND THE REFORMATION

Heribert Smolinsky

To write about this topic requires, first of all, a brief analysis of those preconditions which made it possible to discuss or at least to have a partial dispute on morality at the time of Humanism and the Reformation. For reasons of brevity these can only be merely touched on here. A longer elucidation of the individual points has to be left aside; otherwise this present article would sprawl beyond any reasonable boundaries.

We will begin with those non-cultural factors that represented a kind of structural and "profile requirement". Firstly, there is economic development, foremost the money economy with its ingenious methods. Secondly, urban centers developed further, including their educational infrastructure and a greater access to the Church. Thirdly, political developments need to be mentioned; they were very different regionally—for example the national states in Western Europe and the complex conglomerate of the Holy Roman Empire of the German Nation. In the context of growing governmental authority, "Mirrors for Princes" emerged, which aimed at influencing rulers and had a great deal to do with morality. Finally, a phenomenon needs to be considered that implied the question of how to create a better human being: the permanent uprisings, culminating in the German Peasants' War, and the establishment of an over-moralized republic as in Florence by Savonarola. Justice was central, and the rebels wanted to establish it and partake of its benefits, an interesting variation on our theme.

Allow me to conclude this admittedly scantily addressed question of structural preconditions with a problem: How could moral ideas spread? Here an extremely favorable constellation crystallized from 1450 onwards: the invention of the printing press. The medium of the book generated a new communication form and thus gave rise to an infrastructure serving a dissemination of ideas hitherto unprecedented and which naturally enough also impacted on moral teachings and conceptions, facilitating their shaping of the contemporary landscape of mentalities.

If this was not enough of a challenge for morality—one need only consider the thorny issue of accruing interest in the money economy and the

behavior of rulers in politics—then specific cultural factors also added their weight. Most predominant was the development of Humanism with its look back at Antiquity and its values, which demanded a command of ancient languages and in turn meant a new approach to and opening up of sources. In addition, the number of laypeople studying increased at both schools and universities, creating a potential pool of literate persons to whom ideas about morality could be imparted through academic studies or books. Lastly, the inestimable significance of philosophy and theology for morality needs to be pointed out, both of which precipitated changes in this historical period; in the case of theology, enormous changes. Depending on the conditions prevailing for both, there were consequences for morality, how it was appraised, its specific subject matter and its practice. Finally, an event manifested in the sixteenth century that created another new constellation: the Reformation and, in its wake, the Counterreformation, or, to use more recent terminology, the confessionalization of the Churches. What were the consequences all these factors had for propagating a new vision of man, which morality implied?

It is almost logical to deduce from such a development that, firstly, conceptions for morality and thus better human beings, inconceivable without ethics, led to differences, above all in the Reformation phase, even if its importance should not be exaggerated, as older literature tended to do.[1] Secondly, a process of setting norms began in the sixteenth century that sought to mould a "better human being". Church and state were involved. A variety of conceptions emerged; we shall return to some of them at a later point.

Finally, a clarifying word on the formulation of the "better human being": it can designate a self-referential individual virtue, like pious praying, and in terms of the individual and his personal conduct of life mean morally flawless behavior, but when viewed functionally, a person who acts diligently and appropriately in the Church, state and society due to his morality has in mind the welfare of others. Theologically, the better human being would be someone who possesses and nurtures the proper relationship to God and convincingly abides by and lives out correct religious practice.

This present contribution attempts to illuminate a few aspects of this Early Modern process. Our thesis is: the "better human being"—the literature also often refers to the "new man", which does not necessarily

[1] See Joseph (Heinrich) Denifle and his condemnation of Luther, which was also aimed at his followers: *Luther und Luthertum in der ersten Entwicklung* (Mainz, ²1904).

have to mean the same—emerges firstly from new conceptions of man as well as the possibilities for action tied to them, and secondly morality is communicated through a massive pedagogization in society, whereby pedagogy could be deployed in turn for establishing norms. Thirdly, the "better human" arose through parameters set by Church and state which were geared towards exerting a formative influence and so created their own specific vision of what constituted the better human being. It is clear that this was a potential source for heated dispute, above all in the period of confessionalization.

One maxim should head the present undertaking, a maxim that conveys a conscious awareness of nascent modernity and can be applied to the discussions on morality. It was penned by Erasmus of Rotterdam in his work *De pueris educandis* from 1529, and reads: *Homines non nascuntur, sed finguntur*. It was this malleability that first made it possible to argue about the better—and I would also say "new"—human being.

1. *The Differentiated Phase Prior to the Reformation*

It was Humanism and its interest in morality that ushered in a new development, often connecting it to political and social responsibility. The tenet of the dignity of man was one of its central points and determined its vision of humanity. Treatises such as *De dignitate hominis* were composed, a kind of alternative model to the book by Innocence III, *De miseria humanae conditionis*. Inextricably tied to the idea of man's dignity was that of his freedom, which Giovanni Pico della Mirandola formulated succinctly and impressively in his *Oratio de hominis dignitate* from 1496 (Edito princes) when he had God speak to man:

> *The nature of all other creatures is defined and restricted within laws which We have laid down; you, by contrast, impeded by no such restrictions, may, by your own free will, to whose custody We have assigned you, trace for yourself the lineaments of your own nature. I have placed you at the very centre of the world, so that from that vantage point you may with greater ease glance round about you on all that the world contains. We have made you a creature neither of heaven nor of earth, neither mortal nor immortal, in order that you may, as the free and proud shaper of your own being, fashion yourself in the form you may prefer. It will be in your power to descend to the lower, brutish forms of life; you will be able, through your own decision, to rise again to the superior orders whose life is divine.*[2]

[2] *Oratio de hominis dignitate. Rede über die Würde des Menschen/Oration on the Dignity of Man*, ed. trans. Gerd von der Gönna (Stuttgart, 1997), 9.

Such reflections were a key prerequisite for morality.

If this was the view of a young philosopher resonant with fervent idealism, the Humanist development also drew concrete ramifications. On the level of Humanist teaching activities, the *Artes liberales* were reorganized. Moral teachings were now given priority, becoming one of the most important disciplines next to rhetoric. It is not without reason that this shift has been called a "reductio artium ad humanitatem".[3] Moreover, the Humanist moralistic brought forth a new method for identifying norms, with the essence and behavior of man now forming the basis of analysis, thus taking as its starting point a perspective on the concrete and not remaining purely fixed on abstract norms. The guiding sources for this orientation varied, for example principally Plato for Marsilio Ficino (d. 1499) in Florence, who in turn greatly influenced Pico della Mirandola. According to approach and formative influence, there was also a dispute on the merits of a life of contemplation, with far less emphasis on deeds, vis-à-vis one of action, which had consequences for morality, because contemplation entailed a more speculative view, for which Plato was excellently suited. Nonetheless, the most important guiding ethics up into the seventeenth century remained Aristotle, employed by both Jesuits as well as their Protestant adversaries.[4]

From all this it becomes clear that ethics can be taught, that studies are vital in this endeavor, and that Erasmus' *fingere* is anticipated here. The trend towards pedagogization is documented in two examples of child-raising: Jean Gerson (d. 1429) and Jakob Wimpfeling (d. 1528).

Gerson, chancellor of the University of Paris, and better known because of his prominence at the Council of Constance and his Paris lectures on mysticism, was convinced that virtues instilled into children represented reform. With this view he joined the current of reform appeals and approaches to problems characteristic of the fifteenth century. His writings of a moral Donatus (*Donatus spiritualis*, 1411)[5] or *De parvulis ad Christum trahendis* from 2 October 1406, fit into the context of the general pedagogization of the age with its goal of making everything teachable. In the latter he claimed: "The reform of the Church must begin with

[3] August Buck, "Die Ethik im humanistischen Studienprogramm" in *Ethik im Humanismus*, ed. Walter Rüegg and Dieter Wuttke (Boppard, 1979), 36.

[4] See the works by Charles Schmitt and Charles Lohr.

[5] Jean Gerson, *Oeuvres complètes*, ed. Palémon Glorieux (Paris, 1973), 9: No. 479, 689–700.

children."[6] His main concern here was not a schooling of the intellect but moral instruction. This is obvious in the aforementioned Donatus, which he composed after 1411, a text that was rewritten to deal with the knowledge of one's faith and morality, although originally the book was a grammar.

If the overwhelming majority of books written failed to have an impact, this was certainly not the case with Gerson. His works became accessible in Germany via Alsace and a reformist circle in Strasbourg took a great interest in him. Gerson the pedagogic influenced German writings on education.[7]

In 1500, a work was published by the printer Martin Flach in Strasbourg. Entitled *Adolescentia* and partially revised in 1505,[8] it was in great demand for a number of years. Its author was the Alsace humanist Jakob Wimpfeling, a central figure in the humanism movement of the Upper Rhine region. Gerson's influence is palpable in this work, while Wimpfeling eloquently polished the language, a humanist element that was missing in the work of the Paris university chancellor. "Componere mores" is the declared purpose of *Adolescentia*.[9] Studies are to be devoted to achieving "the salvation of the soul, the honor of God, and the glory of the state",[10] so was Wimpfeling's intention. Similar to Gerson, we read: "Returning the Catholic Church to the old and holy mores is to begin with children, because its degeneracy began with the poor and incorrect education of the same."[11] The purely moral, though, is elevated into a religious space. This generates a particular difficulty; distilling a clear moral teaching from such writings, a task we have to forego here.

The humanists, above all the Italian humanists, drew intensely on Antiquity without really ever neglecting the Christian tradition. Wimpfeling also called on classical authors such as Cicero and Ovid amongst others. But what happened when an intensified Christianity, morality and image of humanity was developed which contrasted with the mass religious practice of the age? Erasmus of Rotterdam (d. 1536) is the most prominent

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[6] Ibid., 671.

[7] On the reception of Gerson in Germany, see: Herbert Kraume, *Die Gerson-Übersetzungen Geilers von Kaysersberg. Studien zur deutschsprachigen Gerson-Rezeption* (München, 1980). The influence on the *Adolescentia* is demonstrated in the edition by Otto Herding: Jakob Wimpfelings, *Adolescentia* (München, 1965), 110–132.

[8] From Johannes Gallinarius. See Herding, *Adolescentia*, 13–19.

[9] Ibid., 117.

[10] Ibid., 111.

[11] Ibid., 207.

example of such an undertaking. He was also fervently interested in pedagogy, although he had never taught; in Freiburg he was registered as professor, but no lectures have ever been located.

We cannot of course adequately address the complexity of this man here. His key idea was that of *Philosophia Christi*, a connection between humanism and Christianity, centered on the figure of Christ.[12] Another key feature was his Platonism, meaning that the inward is decisive. This inwardness furnishes in turn a model for how a moral person should be, promulgated by Jesus in the gospels and above all in Paul. Erasmus derives the ideal of the moral human from scripture and there is no doubt as to this figure's morality. A few sentences taken from one of the forewords to the New Testament from 1516, the *Methodus*, deal with the morality of the philosopher: "You will seem to have set out, not if you dispute more bitterly, but only when you feel yourself to have become another person, less lofty, less choleric, less avid for life and some part of your vices abates each day while some element of piety accrues."[13] Add to this another sentence from the New Testament forewords, the *Paraclesis* (exhortation), then the profile of his ethic becomes even clearer: "The Stoics acknowledged that no man might worthily be called wise except he who lived a good and virtuous life, that apart from vice alone not one thing is loathsome and evil",[14] and further on, "studies are transmuted into morals".[15] This clearly demonstrates the connection between Antiquity and Christianity as well as the privileged status granted morals in the context of a process that integrates knowledge into life.

Another text shall show us what ethics can look like according to Erasmus. The *Methodus* also sketches the ideal people shaped by Christ, described as "... a folk that knows no envy ... knows no carnal avarice ... feels not the fear of man; that bows all the more humbly to all ... that fears neither a tyrant nor death nor Satan, trusting solely the protection of Christ; that even when vexed knows no anger or to curse ..."[16]

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[12] A passage from the Paraclesis reads: "Was ist aber die Philosophie Christi, die er selbst eine Wiedergeburt nennt, anders als die Erneuerung der gut geschaffenen Natur? Wenngleich das folglich niemand endgültiger, niemand wirksamer als Christus überliefert hat, so können wir dennoch viel in den Büchern der Heiden finden, was mit seiner Lehre übereinstimmt". And what other thing is this doctrine of Christ which he calleth the new regeneration, but a restoring or repairing of our nature which in His first creation was good: we may find many things in the gentiles' books, which are agreeable unto this doctrine. Ed. Gerhard B. Winkler, 3 vols. (Darmstadt, 1967), 3: 23–25.

[13] *Methodus*, ibid., 43.

[14] *Paraclesis*, ibid., 25.

[15] *Paraclesis*, ibid., 37.

[16] *Methodus*, ibid., 59.

How much—arguably to be called religious—ethics dominates the thinking of Erasmus is shown finally by his Mirror of the Princes devoted to the youthful Charles V, where ethics is given priority.[17] Generally, as a kind of basis for everything with Erasmus, it may be said that whoever reads good texts will themselves become good through intensive reading and thus ethically productive. Here his dictum is relevant: "*Lectio transit in mores*. Reading transforms into good mores."[18] Thereby, mores are tied to forming man by texts, which is characteristic for the Early Modern period when consideration is given to the production of its "mirrors" literature, house manuals and companions, etc.

But what happens to this ethic, which is naturally not uniform, as, in the course of Reformation, based on the teaching of grace, the proposition is put forward that man has no free will? Is there then something like ethical action? Erasmus took up this fundamental problem—which is resurfacing today in the field of brain research—in his work *De libero arbitrio* from 1525, after long being urged by others. This work is not expressly concerned with ethics and to what extent man is free to act ethically, but rather with a host of complicated deliberations and rhetorical forms; nonetheless, this work and Luther's reply from 1525, *De servo arbitrio*, is extremely important for the dispute on ethics. Even if we take into consideration that theological free will is at issue, which Erasmus in any case accepted to a very small degree, consequences could be drawn for the motivation behind moral practice and reduce the role of individual responsibility. And that is what happened in Protestantism at least on the lower level, and a great deal of effort was needed to avert the misunderstanding that one need no longer perform good works and could live as one simply pleased.

This dispute on the free and the enslaved will was conducted from 1524 to 1525, and so it leads to the very heart of the Reformation, to which we now turn.

2. *Remarks on the Reformation Period*

If up to the dawn of the sixteenth century the Roman Catholic Church was essentially a highly complex setter and guarantor of norms, the Reformation was to soon become a powerful competitor, and as the confessions

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[17] See August Buck, *Humanismus. Seine europäische Entwicklung in Dokumenten und Darstellungen* (Freiburg and München, 1987), 184f.

[18] Ibid., 176.

formed, the dispute on morality played a role—albeit as long as we do not confine morality solely to systems of norms and action.

Initially indulgences and penance were the key issues, at first glance a somewhat harmless theme that would hardly be expected to provoke fierce dispute today. But at that time one figure discovered the long-term centrepiece of his future theology in the question of their inherent connection: Martin Luther (d. 1546). In Luther's view, an indulgence, which seemingly made penance superfluous, annihilated a person's will to repent, which not only had consequences for salvation but also for morality. Whoever need not and cannot change does not undertake the effort to live more virtuously.

A doctrine soon developed in response to the problem of determining the relationship between law and the gospels, leading to one of the key fields in the dispute on morality. I shall keep my considerations brief, as the issue is too complex for a detailed discussion. Three positions need to be addressed: those of Luther, Bucer and Calvin. What is at stake seems harmless enough, but it is not. The two main questions are: Does Biblical law hold for Christians? Are there laws in the gospels? We could take the Sermon on the Mount as an example, an extremely difficult text for the question of morality, for if it were a law and there were sanctions for not heeding it, then we'd all be sitting in jail. And, should this be affirmed, a final question emerges: What is the function of the law? Luther answers as follows: there is no law in the gospels. The law has a convicting character in which human failure to fulfill the law reveals that the person is a sinner. Bucer and Calvin take a different view, regarding the law as more positive, and Calvin fashions out of this positivist position a moralized Christian community, which became reality in Geneva in ca. 1555. Morality was achieved through a high degree of disciplining and control, the desired justification of the community advanced. The Christian churches never relied solely on God's justice; it was always felt to be safer to lend a helping hand.

Here we cannot delve into the numerous differentiations and quarrels ignited by the problematic of law and gospel within the Reformation movement. Only Philipp Melanchthon is to be mentioned, and here too in the briefest possible form, namely by quoting from Jan Rohls' *Geschichte der Ethik*: "Unlike Luther, from the outset Melanchthon connects the Reformation doctrine of law and gospel to the ethical education ideal of Humanism . . ."[19] When we add that Melanchthon reintroduced Aristotle

[19] Jan Rohls, *Geschichte der Ethik* (Tübingen, ²1999), 260.

into Protestant ethics, then we have a firm strand of sixteenth-century teachings on ethics in Protestantism. Here it would be perfectly possible to delve into the dispute on morality by exploring further the relationship between law and gospel from a theological perspective, but limits have to be set at some point.

Of course the two factors of indulgences and penance were not the only issues sparking controversy over morality between the two confessions. Allow me to mention here another very important point: the teaching of justification and its repercussions. According to Martin Luther, man is justified by grace alone. He can do nothing in this respect. The good works performed out of faith are not a source of justification. Moreover, they are much less religious practice than has hitherto been taught, belonging more to the realm of everyday duties such as raising children, and so are nothing exceptional. A kind of civic ethics may have its starting point here. At the same time the problem arises as to why one should do these works if no reward from God is forthcoming. The idea of reward was the traditional motivation for performing virtuous deeds, for which the religious works were certainly meant. Disagreement emerged that was reflected in the controversial theological disputes of the day. The Catholic faction claimed that an immoral life develops out of the Lutheran doctrine of justification because the fixation on grace alone furnishes no incentive to ethically sound action. Two examples suffice to show that the issue of morality was brought into play in the clash between the confessions. Firstly, in a kind of analysis of the zeitgeist, Friedrich Nausea, appointed Bishop of Vienna in 1541 (previously coadjutor), wrote: "… all discipline, honor, virtue and holiness in the German nation is particularly suppressed and all kinds of knavery and sin has become rife, because they are paid no more heed."[20] He also knows that the heretical predicants lead worse lives than the priests. For the second example we shall quote Friedrich Staphylus, who converted from Protestantism to Catholicism: "The vices have gained the upper hand in this his gospel because the devil himself waxes on it. And this is certainly a driveling false prophet …"[21] Whether these analyses were correct is anyone's guess, but the horizon of their perception was marked by the converse theological polemic and so they do not represent an appropriate perspective. What is certainly beyond doubt is what they sought to suggest: a good, virtuous life has become a criterion

[20] Friedrich Nausea, *Christliche Einrede…* (Mainz, 1532), Bl. XXIIII.

[21] Friedrich Staphylus, *Christlicher Gegenbericht an den Gottseligen Layen* (Ingolstadt, 1561), Cij.

for the one true religion, while the false prophets are to be recognized by the immorality they set in the world.

One could examine the divisive theology in terms of such questions and sound out their system of morality and norms, an undertaking yet to be completed. But besides this, developed parallel to later controversial theology but influential for far longer, was another way of approaching such problems: the Jesuit drama.[22] As is known, the Jesuits championed a kind of educational optimism, meaning that they absorbed humanistic elements, even if these were admittedly school humanism. Under such conditions, theater was an excellent medium to convey ideas, spread "the basic theses of the Counterreformation"[23] and deal broadly with morality. The Jesuit drama stood in the tradition of the humanist school theater, and could thus extrapolate on given models. Normally gymnasia were entrusted with bringing the drama to the stage, and the rhetoric teachers frequently wrote the texts, with the exception of important Jesuits such as Jakob Gretser and Jakob Balde. The advantage of this communication medium resided in that they were frequently performed, transnational and, viewed chronologically, practiced over centuries. In Germany they were first performed around 1555–1560, their performances coming to an end simultaneously with the dissolution of the order in 1773. Jean Marie Valentin, one of the most profound experts in the field of Jesuit drama, estimates that between 120 and 150 plays were staged each year. Theater performances were also held in Vienna, for instance on 6 November 1581 a *Tragoedia de Philopluto*, a title addressing the ethical problem of avarice, and on 9 and 17 September 1587 the *Comoedia de Rege Nabuchodonosor*.[24] Behind all this was an agenda to educate confessionalized Christians of both sexes, whereby later the themes addressed changed and the militant confessional element receded.

Just how much emphasis was placed on imparting morality is revealed by a remark of Valentin when discussing two plays: "Gretser's trilogy *Regnum Humanitatis* or Benci's *Ergastus* are properly moral manuals from which the pupils could learn rules for transforming their lives in a way

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[22] See Jean Marie Valentin, *Theatrum catholicum. Les jésuites et la scène en Allemagne au XVI^e^ et au XII^e^ siècles* (Nancy, 1990). This is the anthology of essays by Valentin. See Ruprecht Wimmer, "Die Bühne als Kanzel: Das Jesuitentheater des 16. Jh", in *Das 16. Jahrhundert: europäische Renaissance*, ed. Hildegard Kuester (Regensburg, 1995), 149–166.

[23] Jean Marie Valentin, "Das Jesuitendrama", in *Theatrum catholicum*, 80.

[24] Jean Marie Valentin, *Le théâtre des Jésuites dans les pays de langue allemande. Répertoire chronologique des pièces représentées et des documents conservés* (*1555–1773*), 2 vols. (Stuttgart, 1983–1984), No. 172. 262.

agreeable to God."[25] Heroism, self-discipline, warning against vices, the horrific consequences of which are graphically depicted, active advocacy of the Catholic religion through to martyrdom are some of the themes broached and their moralizing content is easily inferable. Add the popular Everyman motif and we arrive at the conversion on the deathbed, where morality played an eminent role.

Overall, we can say that for a long period religion was the main subject matter in the Jesuit drama, so that the sacraments and the saints as role models were also dealt with. Distilling the moral codices from these dramas for a comprehensive picture has yet to be accomplished. Nonetheless, I would reiterate that these texts are an excellent source for the dispute on morality and the idea of the better human being, a source paid far too little attention to in the past.

Whereas for the Jesuits and the Catholic side in general, good works played an eminent role as motivation for morality and justification, for the Protestant position this was faith. This generated an antagonism between the confessions, once more illustrating the disputed controversy surrounding morality. Here Thomas Kirchmair, also known as Naogeorgus (d. 1563), serves as a prime example. He wrote several anti-Catholic dramas, one of which bears the title: *Tragoedia alia nova Mercator seu Judicium, in qua in conspectum ponuntur apostolica et papistica doctrina, quantum utraque in conscientiae certamine valeat et officiat, et qui utriusque futurus sit exitus*. Once again the Everyman motif is evoked, albeit here to underline the superiority of the Lutheran teaching. A wealthy merchant is on his deathbed. During his life he had always performed good works in line with the Catholic doctrine; in short, practiced the morality of Catholicism. The physician comes and gives his diagnosis: this is precisely the source of the illness, placing trust in good works—and, we can add, not in faith. The merchant Mercator realizes this, converts to Lutheranism and is cured.[26] A true *demonstratio evangelica* in theatrical form.

The play is not realistic in character, but rather metaphorical. The plot serves to demonstrate a theological argument presented in a theatrical manner. Nevertheless, the morality dispute is clearly recognizable in this text, revolving around good works and the justification doctrine. This kind of argumentation is not untypical of the theater of the age.

[25] Jean Marie Valentin, "Religiöse und moralische Erziehung", in *Theatrum catholicum*, 90.
[26] Jean Marie Valentin, "Die Moralität im 16. Jahrhundert", in *Theatrum catholicum*, 120.

Morality emerged in diverse variations and was repeatedly broached in various guises.

It is interesting to consider on which specific points, besides justification, differences emerged between the confessions. Here I can mention only two focal points where divergent viewpoints are manifest: the issue of profiting from interest and teachings on marriage. A couple of brief points have to suffice.

The question of whether one may take interest for lent money was posed in the Old Testament and played an important role in medieval times. The more the money economy grew, the more vocal became demands to be able to charge interest and not leave this business transaction solely in the hands of Jews.[27] Moreover, practices emerged which were inevitable where money was in circulation: merchants developed increasingly devious and arcane practices and contractual agreements to circumvent the prohibition on interest, for instance the *contractus trinus*, a three-stage contract that was geared towards yielding and taking interest.[28] With the Fugger family ever present in the background, the Catholic theologian Johannes Eck wrote his tractate on interest in the context of the Upper German dispute over interest in 1514–1515 and took part in a disputation on this thorny issue in Bologna in 1515. He advocated an interest rate of 5%, which was by no means in accord with the official Church line. Eventually, the old Catholic Church and the Reformers arrived at different conclusions. The former continued to reject profit yielded from interest, while Calvin permitted it to a degree as long as certain restrictions were in place, paving the way for a more dynamic economy. Whether this difference contributed to the economic gap between Catholics and Protestants may be left open here.

If the economy represented a field that was of crucial importance for social life and therefore included in moral discussions, this also held true for the institution of marriage. It is therefore no surprise that marriage manuals emerged as early as the end of the fifteenth century, for example that of Albrecht von Eyb.[29] Erasmus dealt with marriage repeatedly and advocated positions which were progressive for the age, for instance in the question of divorce. As a result, it was hardly possible for either the

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[27] See Johann Peter Wurm, *Johannes Eck und der oberdeutsche Zinsstreit 1513–1515* (Münster, 1997).

[28] 1. The business relationship was established. 2. Agreement was reached on a share of profits. 3. Amount was set at 5%.

[29] *Ehestandsbüchlein* (Nürnberg, 1472).

Council of Trent or the Protestant Church Order to avoid this issue. In the Tametsi decree the consensus theory was affirmed as constitutive and the formal obligation introduced. Marriage remained a sacrament. The Protestant view was very different. For Luther, marriage was a "worldly thing", and as such without sacramental character. In contrast, here, for instance in the Church Order, emphasis was placed on the will of the parents as the necessary basis for the contraction of marriage.[30] Whereas the Catholic Church rejected divorce, it was possible in Protestantism. This difference shows that the dispute about morality and the better human being had extended its scope to include normative standards, for both the Council and the Church Order set normative texts that were to be observed. We are now able to turn to the final point: the standardizing norms of morals.

3. *The Normativization of Morality*

In the second half of the sixteenth century—perhaps even earlier—a process begins which recent research, investing great effort in plotting its contours, has called confessionalization. A quote taken from the volume of essays *Die katholische Konfessionalisierung* may serve to characterize what this process encompassed: it is a "fundamental historical transformation involving ecclesiastical-religious and mentality-cultural changes as well as grave shifts in state-political and social structures."[31] Each of the main churches marked out clearly distinguishable profiles, tightened their internal organizational structures and placed greater emphasis on education and rites, key factors in installing ever stricter controls, for instance through visitations.

As one of the key components of life, morality could not escape this process, of course. It was therefore absolutely indispensable to canalize the fluctuating elements of the preceding historical period.

The situation in the main churches differed. The Catholic Church was an institution centrally controlled from Rome, for instance decisive in the reform of the liturgical books. Here normativization depended on the

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[30] For example, the regulation of marriage established in Württemberg on 1 January 1553, in: *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*, 16 vols., compiled and edited by Sabine Arend (Gütersloh, 2004), 277–279.

[31] *Die katholische Konfessionalisierung*, ed. Wolfgang Reinhard and Heinz Schilling (Gütersloh, 1995), 4 (introduction to the conference by Schilling).

specific issue; once decided it then applied universally. Of course some decisions were made on the bishopric level. In addition, the Catholic princes should not be forgotten, who, with their policing decrees etc., eagerly contributed to normativization.

Conversely, the Protestant camp was organized regionally and territorially. There was no overarching decision-making instance. Hence, normativization took place in a regionalized form through the various church decrees, which also contained the mandates of worldly princes.[32] The state sovereignty over the church was created and it was entrusted with carrying out normativization.

In addition, there was an array of other normativization instruments in all confessions. It is not necessary to list them here. Instead, we may point out the catechisms formulated: in Lutheranism that of Luther from 1529, for the Calvinists the Heidelberg Catechism of 1563, and for the Catholic Church the catechisms of Canisius from 1556 and 1558. Above all, the Decalogue was used to explain the norms that were to be conveyed to children and adults so that these would become an unwavering part of their lives. As far as Catholicism is concerned, one should not forget confession and its normative power, which by virtue of its increasing casus thinking amounted to something like a mathematics of morality. At least in the view of the hierarchies all of this was a means to shape and mould a better human being; naturally enough, always an improvement within the confines of their own respective churches. All this was accompanied by policing decrees issued with increasing frequency by the worldly authorities, so that these sub-processes of norm-setting were in full accord with the main current of the age. Morality had already passed through its advent at this point; the period of confessional normativization had begun.

[32] For example, the church decrees for the Electorate Palatinate, Emil Sehling (ed.), *Die evangelischen Kirchen-ordnungen des XVI. Jahrhunderts*, 14 vols. (Tübingen, 1969).

JUSTIFICATION THEOLOGY AND HUMAN ACTION: ON THE FOUNDATION OF ETHICS IN EARLY LUTHERANISM

Volker Leppin

From its very beginnings Reformation theology places a central emphasis on human action, and it seems as if, at least initially, that conduct could only be addressed negatively: the Pauline-Augustinian idea of justification solely from faith and apart from works of the Law represents the very key to Luther's thought, which immediately raises the question as to the status human action could then be assigned at all. The theological theory postulating that it is not the works that lead to salvation but the grace of God gifted alone in faith is the stringently thought-out consequence of God's sovereignty. Nothing humans do should determine God's freedom and thus restrict it. At the same time though, this radical sovereignty of God shall not mean that humans are simply slaves in bondage. Admittedly this metaphor occurs in Luther's work, most notably of course in the title of his polemical reply to Erasmus from 1525, where he speaks of *servum arbitrium*.[1] This refers, however, to a concept of freedom specifically restricted to free choice. It is only in this regard that human beings are denied freedom.[2] But unequivocally programmatic as the very precursor to this denial of a *liberum arbitrium*, itself already evident in the Heidelberg disputation of 1518,[3] is a thoroughly emphatic avowal of freedom as the foundation of Christian existence—not as freedom of choice but as the freedom of correspondence with God.

1. *Luther's Founding of Ethics in Christian Freedom*

Whether Martin Luther posted his theses against indulgences with vehement blows on the churches[4] of Wittenberg on 31 October 1517 will probably

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[1] Martin Luther, *Werke, Schriften* (Weimar, 1883ff.) 18: 600–787.

[2] Fundamental in this respect is Harry J. McSorley, *Luthers Lehre vom unfreien Willen. Nach seiner Hauptschrift De Servo Arbitrio im Lichte der biblischen und kirchlichen Tradition* (Munich, 1967).

[3] Martin Luther, *Studienausgabe*, ed. Hans Ulrich Delius (Berlin, ^{3}1987) 1: 214, 25: "*Liberum arbitrium post peccatum res est de solo titulo*".

[4] Overall, Georg Rörer's note printed in Luther, *Werke* 48: 116, which Martin Treu has recently once again drawn attention to, has not contributed anything really new to the

remain contentious for some time to come. Completely independent of this rather marginal issue, there is every reason to believe that this specific day, or the generally corresponding period, was of particular significance for Luther: the letter with which he sent the theses to Archbishop Albrecht is the first he signed with the new variation of his name, "Luther", with th, instead of "Luder".[5] The background of this—already evident in the deanery register—variant is a Graecizing that first becomes graspable on 11 November 1517:[6] Luther signed this letter as Eleutherius, which is to be interpreted passively as in the expression of 'having been freed'.[7]

This sets the genuine motto for the Reformation movement, a motto that connects all the so-called Reformation main writings in which Luther presented his program to the public capable of reading throughout the second half of 1520: *An den christlichen Adel deutscher Nation von des christlichen Standes Besserung* was published in August, *De captivitate Babylonica eccelesiae* at the beginning of October, and finally, with a tactical falsification of its composition predated to September,[8] *Von der Freiheit eines Christenmenschen* at the beginning of November. While the latter explicitly announces the aspect of freedom in its title, the two preceding works are also sustained by this concept. A 'Babylonian Captivity' as such is only self-evident when a specific notion of freedom is delineated and recognizable, while *To the Christian Nobility* opens with an almost martial image of liberation: the three walls need to be torn down behind which the "Romanists"[9] shield themselves from reform—the assertion that the temporal worldly is subordinate to spiritual authority, the pope's sole authority to interpret scripture, and the calling of councils by the pope. Luther saw these three "walls" as being a device of self-immunization on the part of the See of Rome against the kind of criticism he was expressing, and so the assault on these walls also means helping to establish freedom.

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discussion on the theses and their posting—but at least so much that those who believe that the theses were indeed posted now have to assume that they were posted on two doors (see my interpretation of the text in Volker Leppin, "Geburtswehen und Geburt einer Legende. Zu Rörers Notiz vom Thesenanschlag", in: *Luther* 78 (2007) 145–150.

[5] Bernd Moeller and Karl Stackmann, *Luder—Luther—Eleutherius. Erwägungen zu Luthers Namen* (Göttingen, 1981), 172.

[6] Luther, *Werke*, Briefe 1, 122, 56 (no. 52).

[7] Moeller and Stackmann, *Luder—Luther—Eleutherius*, 197; see with critical modifications, Jacobi, *Christen heißen Freie. Luthers Freiheitsaussagen in den Jahren 1515–1519* (Tübingen 1997), 139–149.

[8] See Volker Leppin, *Martin Luther* (Darmstadt, 2006), 160–161.

[9] Luther, *Werke* 6, 406:21.

The last of the three aforementioned Reformation treatises is of course Luther's most intensive expounding of what freedom is. Its basic theme is set by the famous double thesis which, drawing on 1 Corinthians 9:19 and Romans 13:8, opens the treatise:

> Eyn Christen mensch ist eyn freyer herr über alle dinge und niemandt unterthan.
> Eyn Christen mensch ist eyn dienstpar knecht aller ding und yderman unterthan.[10]

Luther develops this double thesis in the treatise in terms of how Christ founds a freedom from the Law in the sense that this Law cannot be constitutive for the salvation of the believer. The concept of freedom is thus the explanation for the justification doctrine pivotal to understanding Reformation theology: the sinner is justified solely by grace and solely through faith—a relationship between Christ and the believer which Luther is also able to express in the image of Christ as the bridegroom of the soul, taken from mystic theology.[11] For its part, this freedom does not lead to a human existence without action and works, but is in fact an exceptionally solid foundation for ethics.[12] Out of faith and the freedom grounded in Christ result the works, of which Luther now says:

> Aber die selben werck müssen nit geschehn ynn der meynung, das da durch der mensch frum wird fur gott.[13]

While these works are not constitutive for salvation, they lead consecutively towards salvation (*heilskonsekutiv*). Precisely because humans are free from having to gain something through works, they are able to turn to works that do not follow a set catalogue of norms,[14] and their free determination by men means that they are commensurable with them and their abilities.[15] Luther had expressed this binding of the subject to ethics—certainly not a subjectivization—in even more radical terms in the earlier *Sermon von den guten Werken*:[16]

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[10] Ibid., 7, 21:1–4.
[11] Ibid., 7, 25:28.
[12] See Jacobi, *Christen heißen Freie*, 245–247.
[13] Luther, *Werke* 7, 30:31f.
[14] On the significance of the golden rule for fulfilling ethics, see Antti Raunio, *Summe des christlichen Lebens. Die "Goldene Regel" als Gesetz in der Theologie Martin Luthers von 1510–1527* (Mainz, 2001).
[15] Luther, *Werke* 7, 31:8f.
[16] WA, Briefe 2, 75.8f (no. 271).

> hier kann nun ein jeglicher selbst merken und fühlen, wenn er Gutes und nicht Gutes tut. Denn findet er sein Herz in der Zuversicht, dass es Gott gefalle so ist das Werk gut, wenn es auch noch so gering wäre wie einen Strohhalm aufheben. Ist die Zuversicht nicht da oder zweifelt er daran, so ist das Werk nicht gut, ob es schon alle Toten auferweckte und sich der Mensch verbrennen ließe.[17]
>
> Now everyone can note and tell for himself when he does what is good or what is not good; for if he finds his heart confident that it pleases God, the work is good, even if were so small a thing as picking up a straw. If confidence is absent, or if he doubts, the work is not good, although it should raise all the dead and the man should give himself to be burned.

It is the trust, the confidence toward God,[18] not outward actions and conduct that constitutes faith and thus ultimately the fulfilment of the First Commandment. In this way Luther founds an ethic of freedom, an ethic whose freedom resides precisely not in being 'unbound' but rests on the most inward tie to God and Jesus. Its strength is this foundation and the close bond to faith—and at the same time, a problem obviously adheres to this model for founding an ethic, namely the difficulty of objectivizing ethical action.

2. *Securing the New Obedience in the Confessio Augustana*[19]

This complex founding of ethics, which displayed affinities to other late medieval approaches, foremost mysticism, did not go unchallenged. Opponents were drawn to the objection against the salvation-constitutive meaning of works, ignoring the insistence on their consecutive role in salvation. This is reflected in the most important Lutheran confession: presented by the Lutheran estates at the 1530 Augsburg Reichstag, the *Confessio Augustana* sought to explain their faith and the reformatory steps they had taken with the goal of attaining sufferance of their stance that was legally binding throughout the Reich.

In CA XX, the section dealing with faith and good works, they state: "Ours are falsely accused of forbidding good works."[20] This section is in part two

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[17] Ibid., 6, 206:8–13.

[18] Ibid., 6, 212:26–31.

[19] This section takes up previous considerations: Volker Leppin, "Zwischen Freiheit und Gesetz. Zur Grund-legung christlicher Ethik in den lutherischen Bekenntnisschriften", *Lutherische Kirche in der Welt. Jahrbuch des Martin-Luther-Bundes* 49 (2002), 63–76.

[20] *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, ed. Deutscher Evangelischen Kirchenausschuss im Gedenkjahr der Augsburgischen Konfession 1930 (Göttingen, ^{12}1998) (BSLK), 72, 15f.

of the *Confessio Augustana*, the articles 20–28 dealing with the "discord" as mentioned in the preface.[21] It forms the negative side of Article VI in the first part,[22] in which the reformers assert that "there is nothing which is discrepant".[23] But here, too, the Reformation parties had stated in their doctrine on the "new obedience" that "this faith should bring forth good fruits, and that men ought to do the good works commanded of God".[24] This would seem to be the end of the matter—but it was, of course, not the case. The problematic of good works is one of the most delicate and sensitive in the controversy surrounding the emergent Reformation movement. Just how pressing an issue the Reformers—in particular Philipp Melanchthon, who in this phase was increasingly entrusted with the task of reasoning and formulating the Lutheran position—considered good works to be is revealed by the fact that hardly no other passage in the CA was reformulated as frequently in such a short space of time. For the *Editio princeps*, the first official print version of the CA which went to press as early as 1531, Melanchthon had almost completely reworked the article dealing with good works.

For this reworking he had drawn on a diverse array of considerations which he had already formulated when drafting the *apologia* to the *Confessio Augustana*, which refers to the fourth, fifth and sixth articles—explicitly marking the emphatic status afforded the concept of new obedience, for this is precisely the subject handled in Article VI.

It is from this article, from its clarification in the *apologia* and from CA XX in its original and reworked versions, that the question needs to be posed and answered as to how the Reformers, above all Melanchthon, actually envisioned a positive resolution of the problem emerging out of the basic assumption that the Law had lost all of its salvation-relevant binding impact. It is not the direct and exclusive relationship to Jesus Christ which evokes and establishes the new obedience, but rather the relation to Jesus Christ that only springs to life when the proximity to Christ is mediated in spirit: if the new obedience were founded solely and unmediated in Jesus Christ then this would evoke the risk of positing a simple imitative Christology which declares the words and deeds of the earthly Jesus to be binding norms. Such a pneumatological founding is not explicitly articulated in Article VI of the *Confessio Augustana*, which

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[21] BSLK 83, 26.

[22] On the origins, see Wilhelm Maurer, *Historischer Kommentar zur Confessio Augustana 2. Theologische Probleme* (Gütersloh, 1978), 134f.

[23] BSLK 83, 7.

[24] BSLK 58, 12–14.

expressly deals with the new obedience: here it obviously sufficed to state that "this faith should bring forth good fruits, and that men ought to do the good works commanded by God."[25] With this declarative statement the demand to secure an ethic was not satisfied argumentatively but at least thetically.

In Article XX however, in part two, the pneumatological foundation is explicitly given:

> And because the Holy Spirit is received by faith, our hearts are now renewed, and so put on new affections, so that they are able to bring forth good works.[26]

The freedom Christ has laid the foundation for is explicitly liberation not only from the compulsion of the Law and works, in the CA expressed as being held captive by the Devil,[27] but also as the liberty to freely perform good works. Viewed from this angle, the doctrine of freedom in and through Christ is by no means whatsoever directed against works, but rather, and the CA emphatically states this, it offers guidance and strength.

> [...] because it showeth after what sort we must do good works. For without faith the nature of man can by no means perform the works ...Without faith, it can not call upon God, hope in God, bear the cross.[28]

Properly understood, freedom thus means not an end of ethic responsibility but rather, as the liberty to act, it first ushers us into an ethical realm. Despite all the necessary formalization, the CA succeeds in maintaining the impetus from Luther's Freedom treatise while reinforcing those components emphasizing the mediation of the Holy Spirit, which in Luther's argumentation had been predominantly couched in categories gleaned from mysticism.

This position remained vulnerable, however,[29] and Melanchthon deemed it necessary to address the entire question again in detail in the apology on Articles 4–6.[30] Lengthy and very complex, these considerations

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[25] Ibid., 58, 12–14.
[26] Ibid., 77, 18–21.
[27] Ibid., 77, 23; see Maurer, *Historischer Kommentar*, 2, 136.
[28] BSLK 78, 10–19.
[29] For the criticism in the orthodox Catholic confutatio, see Vinzenz Pfnür, *Einig in der Rechtfertigungslehre? Die Rechtfertigungslehre der Confessio Augustana (1530) und die Stellungnahme der katholischen Kontrovers-theologie zwischen 1530 und 1535* (Wiesbaden, 1970), 231–240.
[30] On the highly complex textual history of this article's Latin version, see Christian Peters, *Apologia Confessionis Augustanae. Untersuchungen zur Textgeschichte einer lutherischen Bekenntnisschrift (1530–1584)* (Stuttgart, 1997), 298–398.

need not concern us here because they broadly represent the basis for the changes Melanchthon himself made to the German text of the CA XX in the *Editio princeps*.

The specification Melanchthon undertook was two-fold in nature. Firstly, alongside the concept of "works" he now expressly introduced the idea of God's commandments and mentioned the observance of the Ten Commandments amongst the good works a Christian is capable of doing through the Holy Spirit.[31] He was obviously concerned with making it perfectly clear that grounding ethics in the workings of the Holy Spirit and in freedom by no means contradicted the knowledge and acknowledgement of objective Biblical ethical norms. In principle a pneumatological freedom located in the foundation of ethics would indeed be comprehensible insofar as the individual Christian guided by the Holy Spirit would search their own respective ethical norms, and indeed Luther's formulations in the Freedom treatise occasionally resonate in these terms—admittedly only when the individual is fully conscious that such an ethic of free will corresponds in core to the intentions of God and Christ. This idea was difficult to communicate, however, and Melanchthon thus accentuated the objective aspect of Christian ethics.

However—and this resulted in the second new accentuation in his reworking—this objective aspect was not permitted to completely edge aside the linkage between the foundation of ethics and the Holy Spirit's working in the heart of the individual. A barb must be found against an ethics "laid down in law", which in Protestantism had only succeeded in bringing about an ethic that subsisted solely in fulfilling objective norms: following Romans 14:23, he declared in his revision "darümb können die guten Werk ohn Glauben Gott nicht gefallen, sonder das Herz muß vor mit Gott zufrieden sein."[32] This ensures that the quality of the works performed do not arise out of the objective content of the commandment, but rather solely out of the intent in faith with which they are performed; the objective binding to God's commandments is placed on a Reformatory basis, the liberated heart before God.

Melanchthon thus found a thoroughly apt way in the CA itself, in the Apology and the revision of the German text of the CA in the *Editio princeps* of doing justice to Luther's intention in terms of describing what transpires in freedom. Extrapolated in a meticulous argumentation, the

[31] BSLK 80, 34–37.
[32] Ibid., 81, 10f.

tension between an objective ethics of goodness and one of intention is maintained, and both serve to ultimately place Christian ethics on the basis of a message of freedom in Christ.

And yet within the *Confessio Augustana* elements exist, in particular in the article that expressly speaks of the New Obedience, which contradict this ethic of freedom. Article VI states:

> Also they teach that this faith is bound to bring forth good fruits, and that it is necessary to do good works commanded by God.[33]

That which is a matter of course as the workings of the Holy Spirit, a freedom to act that arises out of the freedom from compulsion, is once more fulfilled as an external precept. The pressing formulation chosen here is no coincidence.[34] A consideration of the preparatory basis, namely the Schwabach and Marburg Articles, reveals that neither had this compulsion to perform good works. While the Schwabach Articles spoke of the "lebendiges Wesen" that is faith and wherein works have their source,[35] the Articles of Marburg,[36] in which the different reformatory camps in Wittenberg and Zurich were able to reach broad agreement on fundamental theological convictions, emphasized the pneumatological founding of ethics:

> Zum Zehendten, Das solcher glaube durch wirckung des heilgen geistes hernach, so wir getrecht und heillig dadurch gerechent und worden sind, gute wercke durch uns ubet, Nemlich die liebe jegen den nhesten, beten zu got und leyden allerley verfolgung etc.[37]

3. *The Founding of Ethics in Repentance: The Discussion in Emergent Lutheranism*

These formulations were admittedly insufficient to offer a genuine solution to the problem of laying an ethical foundation. The development of confessional writings in Lutheranism proves to be a wrestling with the

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[33] BSLK 58, 12–14.

[34] See also the critical remarks on this by Leif Grane, *Die Confessio Augustana* (Göttingen, ^{3}1986), 65.

[35] BSLK 57, 24.

[36] On the character of the Marburg Articles, where agreement fails due to the different views on the presence of Christ at Communion, see Susi Hausammann, "Die Marburger Artikel—eine echte Konkordie?", *Zeitschrift für Kirchengeschichte* 77 (1966), 288–321.

[37] Luther, *Werke* 30/III, 166:3–10.

problem as to how to transform the complex foundation of ethics as articulated by Luther into another form, ensuring that the status of human action is anchored in a way that excludes the threat of ethical laxity which looms when, in affirming an emphatic evangelical freedom, justification is avowed in faith alone and without works.

One key building block in this endeavor was placing ethics into the context of the theology of repentance.[38] According to the teaching in the CA, repentance, supplanting the medieval tripartite division into *contritio cordis, confessio oris* and *satisfactio operis*, is comprised fundamentally of two constitutive elements: *contritio* and *fides*.[39] At the same time, however, the idea of the fruits of repentance, included in the respective article CA XII, meant that a third consecutive element, while not constitutive, was automatically associated, which in turn resembled the three elements of repentance—a consequence which was then not expressly taught in the Apology but acknowledged as a possibility against which no great battle was to be fought.[40] These three elements are true remorse (*contritio*), faith in Christ (*fides*) and, as a result, good works (*bona opera*),[41] i.e. following CA VI new obedience (*nova oboedientia*).[42] Here a connection was already established between repentance, an attitude characterizing the life of a Christian as a whole, which had given the initial impulse for Martin Luther's entering the public stage, and the founding of ethics, whereby the latter had gained its theological locus in penance.

The importance given to these considerations—and the need for an effective anchoring of the ethics they indicated—in Lutheranism is shown in the various attempts to formulate a creed in the second half of the sixteenth century, as the emergent Lutheranism underwent confessionalization.[43] The tripartite division of repentance was adopted in

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[38] On the following, see Volker Leppin, *Antichrist und Jüngster Tag. Das Profil apokalyptischer Flugschriftenpublizistik im deutschen Luthertum 1548–1618* (Gütersloh, 1999), 247–250.

[39] BSLK 66, 9–67, 11.

[40] BSLK 257, 1–9.

[41] BSLK 67, 1–11.

[42] BSLK 60, 2.

[43] On Lutheran confessionalization in particular, see Hans-Christoph Rublack, ed., *Die lutherische Konfessionalisierung in Deutschland* (Gütersloh, 1992); an excellent overview is given by Ernst Koch, *Das konfessionelle Zeitalter—Katholizismus, Luthertum, Calvinismus (1563–1675)* (Leipzig, 2000), 211–259; Gottfried Seebaß, *Geschichte des Christentums III: Spätmittelalter-Reformation-Konfessionalisierung* (Stuttgart, 2006), 237–242.

the Brunswick-Wolfenbüttel Confession of 1569.[44] The works as fruits of repentance become the decisive pattern in emergent Lutheranism. On the one hand then, the reformatory impetus is maintained, namely that works are not constitutive for salvation, but on the other hand their function consecutively towards salvation is not expressed in such freedom as in Luther. Whereas for Luther the positive answer to God's actions, to the bride becoming one with God, functions as the fulcrum, it is now the remorseful conduct of man in the face of God, out of which the works spring. Melanchthon had already emphasized this in 1552 in his "Examen ordinandorum" as a hallmark of the church:

> Darnach sollen wir uns auch umbsehen, wo dieselbige [sc. Christliche Kirche] ist. Nemlich wo diese zeichen gefunden werden, die nicht verborgen sein können, Sondern mit ohren und augen zu mercken sind, Nemlich, reine lere des Euangelij, rechter brauch der Sacrament und der gehorsam gegen dem Ministerio in göttlichen geboten.[45]

The further development from the *Confessio Augustana* of some twenty years before is striking: the CA had designated only the preaching of the gospels and the administering of the sacraments as signs of the church.[46] But the addition of obedience, and thus an external act of man, shifted the boundaries of the hidden church. According to CA VII, as far as the faithful were concerned, this was hidden in the face of man—only the conduct and behavior of the sermon and the sacraments were discernible which were bound to God's action. Now, however, the reaction, the action of man, was also supposed to be visible. Proper conduct, specified as obedience towards the ministry, had gained a key ecclesiogical status—and in many respects a key status for the individual's striving to lead the life of a faithful believer. As such, good works appear in the Lüneburg Articles of 1561 as a visible sign of leading a Christian life.[47] With this, ethics had found its own theological locus of foundation, its significance accentuated—and at the same time, the profound founding of ethics, which Luther had furnished, was translated from its immediacy into a verifiable mediacy.[48]

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[44] Heinrich Heppe, *Die Entstehung und Fortbildung des Luthertums und die kirchlichen Bekenntnisschriften desselben von 1548–1576* (Kassel, 1863), 110f.

[45] *Melanchthons Werke*, ed. Robert Stupperich (Gütersloh, 1955), 6: 212:30–34.

[46] BSLK 61, 6–12.

[47] Heppe, *Entstehung*, 67.

[48] This difference has been succinctly formulated on the basis of a juxtaposition between Luther and Melanchthon by Friederike Nüssel, *Allein aus Glauben. Zur Entwicklung der Rechtfertigungslehre in der konkordistischen und frühen nachkonkordistischen Theologie* (Göttingen, 2000), 168f.: "Diese unterschiedliche Verhältnisbestimmung von Rechtfertigung

The self-evident and direct reference to Christ has given way to obedience towards the preacher, the spontaneity of love yields to rootedness in repentant conduct. And this gave occasion to a further exteriorization: a number of Lutheran preachers strove to get people to atone by evoking the imminence of the Last Judgment, and so motivate good conduct by calling on the fear of God's judgment.[49]

4. *The Anchoring of the* tertius usus legis *in the Formula of Concordia and Its Background History*

Efforts to stabilize the founding of ethics in Lutheranism followed other paths as well. The most important, formulated finally in confessional statements, was the justification of the "third use" of the law, the "*tertius usus legis*". This designation stems from how Martin Luther recognized two modes of use for the law:[50] the first, the *usus civilis* or *politicus*, and, above all since the dispute revolving around the antinomianism of Johann Agricola, the second, the *usus theologicus* or *elenchthicus*, through which a person is convicted of his/her sins. A third use of the law—as guidelines for human action—is something he never taught.[51] Such a doctrine was formulated by Melanchthon, who, in the Loci of 1536, speaks of a "*tertium officium legis*".[52] In the Reformation period itself both positions could exist next to one another. As the controversies surrounding emergent Lutheranism intensified, the role of the law was also the subject of a new discussion. Interest centered on Georg Major,[53] who declared that good

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und Erneuerung bzw. Rechtfertigung und Heiligung bei Luther und Melanchthon ist darin zu sehen, daß Luther die guten Werke als Ausdruck der Christusgemeinschaft des Glaubenden versteht und von daher Rechtfertigung und Heiligung als Aspekte der in der Christusgemeinschaft gesetzten neuen Identität des Menschen auffaßt, (…), während Melanchthon die Werke der Liebe und damit die sittliche Erneuerung des Christen als eine von der Rechtfertigung zu unterscheidende Folge derselben bestimmt."

[49] See Leppin, *Antichrist und Jüngster Tag*, 244–247; Volker Leppin, "Stabilisierende Prophetie. Endzeitverkündigung im Dienste der Konfessionalisierung", *Jahrbuch für Biblische Theologie* 14 (1999), 197–212.

[50] See Bernhard Lohse, *Luthers Theologie* (Göttingen, 1995), 200–203.

[51] Contrary to the attempts by Wilfried Joest, *Gesetz und Freiheit. Das Problem des tertius usus legis bei Luther und die neutestamentliche Paränese* (Göttingen, ^{4}1968), to demonstrate such a *tertius usus* in Luther, see Gerhard Ebeling, "Zur Lehre vom triplex usus legis in der reformatorischen Theologie", in Gerhard Ebeling, *Wort und Glaube* (Tübingen, 1960) 1: 50–68.

[52] Corpus Reformatorum vol. 21, 406.

[53] See Irene Dingel and Günther Wartenberg, ed., *Georg Major (1502–1574). Ein Theologe der Wittenberger Reformation* (Leipzig, 2005).

works—in the sense of the idea of the fruits of faith sketched above—are necessary for blessedness.[54] In a lengthy process of clarification, the Lutherans had to decide if and how this view was to apply—and whether or not views such as this could give rise to a trust in human action that opposes all other views of justification solely through faith. As with the other inner-Lutheran controversies debated by the second and third generation, this dispute found its provisional[55] end in the 1577 Formula of Concordia, which taught in the sixth chapter:

> Zu Erklärung und endlicher Hinlegung dieses Zwiespalts gläuben, lehren und bekennen wir einhellig, daß, obwohl die rechtgläubigen und wahrhaftig zu Gott bekehrte und gerechtfertigte Christen vom Fluch des Gesetzes erledigt und freigemacht sein: daß sie sich doch im Gesetz des Herrn täglich üben sollen. . . . Denn das Gesetz ist ein Spiegel, in welchem der Wille Gottes und was ihme gefällig, eigentlich abgemalet ist, das man den Gläubigen stets fürhalten, und bei ihnen ohn Unterlaß fleißig treiben soll.[56]

Here a solution to the dilemma had been found: while it was denied that the law could have any meaning at all which could be constitutive for salvation, all the same its (third) use was now emphasized and taught. Emergent Lutheranism had thus reached a consensus that was not grounding in Luther's thought, not even verbally, but also gave the issue an accentuation that differed from his own:[57] the ethics of evangelical freedom had now found a form that tied it back to the law. The depth and complexity of Luther's founding of ethics had been forged into a manageable cast that allowed ethics and the doctrine of justification to be thought of in association—and yet had forsaken something of the impetus of freedom characteristic of the early years of Reformation theology.

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[54] See on Major's position, Paul Tschackert, *Die Entstehung der lutherischen und der reformierten Kirchenlehre samt ihren innerprotestantischen Gegensätzen* (Göttingen, 1910), 514–520; Matthias Richter, *Gesetz und Heil. Eine Untersuchung zur Vorgeschichte und zum Verlauf des sogenannten Zweiten antinomistischen Streits* (Göttingen, 1996), 94–98.

[55] On the ongoing controversy, see Irene Dingel, *Concordia controversa. Die öffentlichen Diskussionen um das lutherische Konkordienwerk am Ende des 16. Jahrhunderts* (Gütersloh, 1996) (Quellen und Forschungen zur Reformationsgeschichte 63).

[56] BSLK 963, 21–36.

[57] In this respect, it seems to me that the relationship between this fixing of the teaching and Luther's concerns is not as clear as propounded by Gunther Wenz, *Theologie der Bekenntnisschriften der evangelisch-lutherischen Kirche* (Berlin and New York, 1997), 2: 634–636 note 71.

CONFESSION AS AN INSTRUMENT OF CHURCH DISCIPLINE: A STUDY OF CATHOLIC AND LUTHERAN CONFESSIONAL MANUALS FROM THE 16TH AND 17TH CENTURIES

Renate Dürr

"It has been said that the Reformation started from the confession. With good reason!"[1] This observation continues to shape perceptions of the various denominations in the Early Modern period. After all, Luther's criticism of how the Roman Catholic Church understood confession and absolution marked the beginning of the Reformation. To a large extent, Luther's justification theology may be seen as an objection to medieval repentance theology, wherein God's absolution lost importance in relation to priestly absolution and human works of penitence. It cannot be deduced from this, however, that Martin Luther and the Lutheran orthodoxy abolished the priestly auricular confession, as is still frequently assumed today.[2] On the contrary: the private auricular confession was a pivotal act of piety practiced by Lutheran believers in most of the Lutheran territories until the end of the eighteenth century.[3] Theologically, in this question as well the Lutherans adopted a position between Catholicism and radical evangelical reformists.[4] Moreover, this position shifted more markedly than these two, in particular over the course of the eighteenth century under the influence of Pietism and the early Enlightenment.[5] In the

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[1] Emil Fischer, *Zur Geschichte der evangelischen Beichte* (Leipzig, 1902/03; repr. Aalen, 1972) 1: 1.

[2] See for example: Alois Hahn, "Zur Soziologie der Beichte und anderer Formen institutionalisierter Bekenntnisse: Selbstthematisierung und Zivilisationsprozess", *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 34 (1982), 416; Richard van Dülmen, *Die Entdeckung des Individuums, 1500–1800* (Frankfurt am Main, 1997), 40, 46, 47; Peter Dinzelbacher, "Das erzwungene Individuum. Sündenbewusstsein und Pflichtbeichte", in *Entdeckung des Ich. Die Geschichte der Individualisierung vom Mittelalter bis zur Gegenwart*, ed. Richard van Dülmen (Köln et al., 2001), 41–60.

[3] See with further references my habilitation treatise Renate Dürr, *Politische Kultur in der Frühen Neuzeit. Kirchenräume in Hildesheimer Stadt- und Landgemeinden, 1550–1750* (Gütersloh, 2006), 256–333.

[4] For this in general, see: Renate Dürr, "Prophetie und Wunderglauben—zu den kulturellen Folgen der Reformation", *Historische Zeitschrift* 281 (2005), 3–32.

[5] Kurt Aland, "Die Privatbeichte im Luthertum von ihren Anfängen bis zu ihrer Auflösung", in *Kirchengeschichtliche Entwürfe*, ed. Kurt Aland (Gütersloh, 1960), 452–519; Ernst Bezzel, Isnard W. Frank and Helmut Obst, "Beichte II–IV", in *Theologische Realenzyklopädie* (Berlin

sixteenth century though, establishing Lutheranism went hand in hand with reintroducing private confession in several southern German cities and towns at the time under Upper German-Zwinglian sway.[6] In some territories the change from the Lutheran to the Protestant confession entailed an explicit abolishment of the private confession at the end of the sixteenth and the beginning of the seventeenth century and in most cases was accompanied by vociferous protest by the formerly Lutheran parishes.[7]

While a number of studies have underlined the importance of private confessions as an instrument of Church discipline,[8] very little is known about the actual confessional practice in the different denominations and territories.[9]

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and New York, 1977–2004) 5: 414–428; Ernst Bezzel, *Frei zum Eingeständnis. Geschichte und Praxis der evangelischen Einzelbeichte* (Stuttgart, 1982).

[6] Johannes C. Wolfart, "Why was Private Confession so Contentious in Early Seventeenth Century Lindau?", in *Popular Religion in Germany and Central Europe, 1400–1800*, eds. Robert W. Scribner and Trevor Johnson (Basingstoke, 1996), 140–165; Ronald K. Rittgers, "Private confession and religious authority in Reformation Nürnberg", in *Penitence in the Age of Reformation*, eds. Katherine Jackson Lualdi and Anne T. Thayer (Aldershot et al., 2000), 49–70; Ronald K. Rittgers, *The reformation of the keys. Confession, conscience, and authority in 16th century Germany* (Harvard, 2004); Ronald K. Rittgers, "Private confession and the Lutheranization of Sixteenth-Century Nördlingen", *The Sixteenth Century Journal* 36 (2005), 1063–1085; Oliver Kaul, *Undankbare Gäste. Abendmahlsverzicht und Abendmahlsausschluss in der Reichsstadt Ulm um 1600* (Mainz, 2003).

[7] Bodo Nischan, *Prince, People and Confession. The Second Reformation in Brandenburg* (Philadelphia, 1994).

[8] Hans-Christoph Rublack, "Lutherische Beichte und Sozialdisziplinierung", *Archiv für Reformationsgeschichte* 84 (1993), 127–155; Wietse de Boer, "The politics of the soul: confession in Counter-Reformation Milan", in *Penitence in the Age of Reformation*, eds. Katherine Jackson Lualdi and Anne T. Thayer (Aldershot et al., 2000), 116–133; Wietse de Boer, *The conquest of the soul. Confession, discipline, and public order in Counter-Reformation Milan* (Leiden et al., 2001); Dinzelbacher, "Das erzwungene Individuum", 41–60; David W. Sabean, "Selbsterkundung. Beichte und Abendmahl", in *Entdeckung des Ich. Die Geschichte der Individualisierung vom Mittelalter bis zur Gegenwart*, ed. Richard van Dülmen (Köln et al., 2001), 142–162.

[9] For the practice in Tridentine Catholicism, see: David Myers, *Poor Sinning Folk: Confession und Conscience in Counter-Reformation Germany* (Ithaca, 1996); Jason K. Nye, "Johannes Uhl on penitence: sermons and prayers of the dean of Rottweil, 1579–1602", in *Penitence in the Age of Reformation*, eds. Katherine Jackson Luandi and Anne T. Thayer (Aldershot, 2000), 152–168; for orthodox Lutheranism: Gerhard Pfeiffer, "Die Einführung der allgemeinen Beichte in Nürnberg und seinen Landgebieten", *Zeitschrift für bayerische Kirchengeschichte* 20 (1951), 40–67, 172–183; Laurentius Klein, *Evangelisch-lutherische Beichte. Lehre und Praxis* (Paderborn, 1961); W. Kneule, "Die Entwicklung der Beichte, der Konfirmation, der Kirchenzucht in der ehemaligen Markgrafschaft Brandenburg-Bayreuth-Kulmbach", *Zeitschrift für bayerische Kirchengeschichte* 37 (1968) 101–192; Rittgers, "Private confession and religious authority in Reformation Nürnberg", 49–70; Rittgers, *The reformation of the keys*; Rittgers, "Private confession and the Lutheranization of Sixteenth-Century Nördlingen", 1063–1085; Oliver Kaul, *Undankbare Gäste*; Dürr, *Politische Kultur*.

This is in part due to the lack of sources.[10] It is nevertheless striking how many important studies exploring confessionalization, Church discipline and social order barely touch on the practice of confession, particularly with regard to the Catholic territories.[11] Presumably the auricular confession—despite its disciplining effect—is regarded in the first instance as a "private" event and as such scholarly assertions and claims are hardly feasible.

"Privateness" in this sense was unknown, however, in the Early Modern period. A community's Christian organization was determined by the behavior of its individual members. Sins, acts of penitence and repentance therefore concerned all members. An absence of remorse or negligence in such matters meant that the individual could expect God's punishment at the Last Judgment and the community as a whole God's wrath in the present.[12] From the perspective of contemporaries, what transpired in the confessional—including that in the *private* auricular confession—thus inherently had eschatological dimensions and an unfailingly palpable social relevance and brisance.[13]

The significance of penitence and repentance for living the life of a good Christian as well as sustaining the order of the Christian community can be gauged by the large number of confessional manuals written by Catholic priests and Lutheran pastors from the sixteenth century

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[10] Hillard van Thiessen, *Die Kapuziner zwischen Konfessionalisierung und Alltagskultur. Vergleichende Fallstudie am Beispiel Freiburgs und Hildesheims, 1599–1750* (Freiburg i.Br., 2002), 213.

[11] Ernst Walter Zeeden, "Aspekte der katholischen Frömmigkeit in Deutschland im 16. Jahrhundert", in *Konfessionsbildung. Studien zur Reformation, Gegenreformation und katholischen Reform*, ed. Ernst Walter Zeeden (Stuttgart, 1985), 314–331; Ronnie Po Chia Hsia, *Gesellschaft und Religion in Münster, 1535–1618* (Münster, 1989); Jörg Pfeifer, *Reform an Haupt und Gliedern. Die Auswirkungen des Trienter Konzils im Mainzer Erzstift bis 1626* (Darmstadt und Marburg, 1996); Andreas Holzem, *Religion und Lebensformen. Katholische Konfessionalisierung im Sendgericht des Fürstbistums Münster, 1570–1800* (Paderborn, 2000); Joseph F. Patrouch, *A Negotiated Settlement. The Counter-Reformation in Upper Austria under the Habsburgs* (Boston et al., 2000); Alexander Jendorff, *Reformatio Catholica. Gesellschaftliche Handlungsspielräume kirchlichen Wandels im Erzstift Mainz, 1514–1630* (Münster, 2000); Regina Pörtner, *The Counter-Reformation in Central Europe, Styria 1580–1630* (Oxford, 2001).

[12] Heribert Smolinsky, *Deutungen der Zeit im Streit der Konfessionen: Kontroverstheologie, Apokalyptik und Astrologie im 16. Jahrhundert* (Heidelberg, 2000).

[13] Hartmut Lehmann, "Endzeiterwartung im Luthertum im späten 16. und im frühen 17. Jahrhundert", in Die lutherische Konfessionalisierung in Deutschland, ed. Hans-Christoph Rublack (Gütersloh, 1992), 545–554; Thomas Kaufmann, Konfessionskultur und Kultur. Lutherischer Protestantismus in der zweiten Hälfte des Reformationsjahrhundert (Tübingen, 2006).

onwards.[14] They not only addressed the confessors but also explicitly the believers. According to surveys of books in the possession of the Lutheran civil population, they ranked fourth behind devotional writings, Bibles and hymnals.[15] One cannot simply draw direct conclusions on the lived practice from these confessional manuals. At the same time though, their normative effect cannot be underestimated, for they served to prepare believers for a confessional conversation and priests for conducting it. As a rule, all Catholic and Lutheran confessional manuals pursued three objectives. Firstly, the respective conception of the act of confession is explained, and, frequently along with it, the foundations of the Catholic or Lutheran confession. Secondly, they describe how a good Christian is to prepare for an act of confession. Finally, the correct form of confessing is expounded. Consequently, the function of the confessional manual resided in standardizing preparation for an act of confession and confession itself. Basically this shaped the notion of a "good Christian" in general. This went so far that the titles of Lutheran confessional manuals spoke of "models of how to live" which believers were to follow and comply with.[16]

What is the relationship between this and the evangelical reformist challenge sketched at the beginning? In what way did theological conceptions influence the norms and ideas advocated in these confessional manuals? Wherein did the differences between Catholic and Lutheran conceptions of confession reside? These are the issues the present article wishes to explore. To do so, however, we must first turn our attention

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[14] For Catholic confession manuals, see: Franz Falk, *Drei Beichtbüchlein nach den zehn Geboten aus der Frühzeit der Buchdruckerkunst*, ed. Franz Falk (Münster, 1907); John Bossy, "The Social History of Confession in the Age of Reformation", *Transactions of the Royal History Society*, 5th Series, 25 (1975) 21–38; Michael Haren, "Confession, Social Ethics and Social Discipline in the Memoriale Presbitorum", in *Handling Sin. Confession in the Middle Ages*, ed. Peter Biller and A.J. Minnis (Suffolk, 1998), 109–122; Ernst Haberkern, "Einleitung", in *Das 'Beichtbüchlein' des Thomas Peuntner nach den Heidelberger, Melker, Münchner und Wiener Handschriften*, ed. Ernst Haberkern (Göppingen, 2001), 15–34; for the Lutheran manuals, see. Inge Mager, "Beichte und Abendmahl nach lutherischen Beicht- und Kommunionbücher aus vier Jahrhunderten", in *Makarios-Symposium über das Gebet*, ed. Jouko Martikaine and Hans-Olof Kvist (Åbo, 1989), 169–185.

[15] Mager, "Beichte und Abendmahl", 171.

[16] See for example: Johann Kißling, *Hertzbewegliche Buß=Beicht=Abendmahls= und Lebens=Modell. Darinnen gelehret und gezeiget wird: Wie ein Bußfertiges Christen=Hert seine begangene Sünde bereuen/ Beweinen/ und Gott dem Allmächtigen/ um Gnade und Barmhertzigkeit/ bitten; Auch sich zu einer rechtschaffenen Buß; Reuigen Beicht; Und dann zu würdiger Nissung des Heiligen Abendmahls schicken und bereiten soll. Welchem am Ende/ ein Christlicher Unterricht/ von dem neuen Gehorsam/ ist beigefüget.* [...] (Nürnberg, 1660).

to the theological conceptions of the confessional act and penitence as formulated by Martin Luther and the Council of Trent.

1. *Between the New and the Normative: Martin Luther's Conception of Confession and Penance*

"Between new departures and normative practice" is a fitting characterization for Martin Luther's doctrine of confession and penitence: Luther connected his idea of "evangelical freedom" with very specific considerations on communal Church discipline.

In studies on Church history, controversy reigns as to if and to what extent Luther's justification theology represented an outright break with the Late Medieval Church.[17] Beyond dispute is, however, that for his *contemporaries* it harbored an enormous potential for precipitating a new departure, and this was foremost due to the emphasis placed on the believer's direct relationship to God. This principle is also detectable in Luther's teachings on the confession and penance. Unlike the understanding prevailing in the medieval period, for Luther penitence not only encompassed the act of confession (as a lament before God about committed sins) and absolution (as God's absolving of these sins). Decisive for absolution is faith alone.[18]

Luther admittedly derives the tasks of the pastor in the confessional act from the "key authority" of the priest, like the Roman Catholic Church, a reference to Matthew 16:19: "And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven." At the same time though, he rejects a juridical function and authority (*potestas jurisdictionis*) for the pastor in confession. Instead, the authority of the key to bind or loosen for priests is tied to their *potestas ordinis*. This means that absolution from sin simply belongs to the tasks the preacher has to perform and it by no means depends on his

[17] Berndt Hamm, "Was ist reformatorische Rechtfertigungslehre?", *Zeitschrift für Theologie und Kirche* 83 (1986), 1–38; Bernd Hamm, "Normative Zentrierung im 15. und 16. Jahrhundert. Beobachtungen zu Religiosität, Theologie und Ikonologie", *Zeitschrift für historische Forschung* 26 (1999), 163–202.

[18] Martin Luther, *Ein kurtz underweysung, wie man beichten sol (1519)*, in *Weimarer Ausgabe*, vol. 2 (1884; repr. Graz, 1966), 59.

judgment, for instance on the seriousness of the sin:[19] "Denn die summa des Evangelii ist die: Wer an Christum glewbt, dem sollen seyn sund vergeben seyn, Also das eyn Christlicher prediger nymmer das maul aufthuen kann, er muss eyn absolution sprechen […]".[20]

Although starting from this basis, Luther nonetheless adopted the traditional distinction between three different forms of confession.[21] The first form of confession, confessing "before God", teaches us, writes Luther, that we are all "equally knaves and sinners" and no-one has fallen so far that they could not fall even further. Admissions of this sort should stamp their authority and shape our entire life. One has to condemn oneself and realize that one deserves death and hell, for "das dich Got nicht urteylen noch verdammen kann, sondern dyr gnedig seyn muss".[22] Confessing before God thus involved primarily the realization that every human being is a sinner, irrespective of the specific sins committed.[23]

As the first form of confession is that of faith, the second is that of love: "ist der liebe beicht, wie die erste des glaubens ist."[24] In this confession the individual parishioners are to beg each other for forgiveness. Theologically, Luther is here taking up the principle of the universal priesthood of the faithful. Not only priests but all brothers in faith possess the authority of the key to loosen and bind and can, or must, pronounce forgiveness. In principle then, the actual auricular confession is possible before each and every "brother".

With this the third form of confession, the actual auricular confession is at issue.[25] Luther recommended it strongly to all believers as an important instrument of the Church even if it is without a biblical foundation.[26] For him, though, the decisive factor was to relinquish the compulsory character of the auricular confession: "Denn zu Gott kann nyemand kommen

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[19] Bernhard Lohse, "Die Privatbeichte bei Luther", in *Evangelium in der Geschichte. Studien zu Luther und der Reformation*, ed. Bernhard Lohse (Göttingen, 1988), 365–366; Bezzel, *Frei zum Eingeständnis*, 16.

[20] Martin Luther, *Eyn Sermon von der Beycht und dem Sacrament./ Item Vom brauch und bekentnis Christlicher freyheit* (*1524*), in *Weimarer Ausgabe*, vol. 15 (1899; repr. Graz, 1966), 485.

[21] Ibid., 481–484.

[22] Ibid., 483.

[23] Lohse, "Privatbeichte", 363f.

[24] Martin Luther, *Eyn Sermon von der Beycht und dem Sacrament*, 483f.

[25] Ibid., 484–489.

[26] For debates on the confession's suitability to scripture, see: Ilse Tobias, *Die Beichte in den Flugschriften der frühen Reformationszeit* (Bern et al., 2002).

denn der mit lust und freyem willen kompt."[27] Luther saw the compulsory character of medieval penitence and confessional practice as residing in two duties: to go to confession at least once a year at Easter and to confess all mortal sins. This is impossible and only serves to mortify and torture those who are certain in their faith, "die Gewissen".[28] Confession and absolution should allay conscience and bolster the certainty of faith. For this reason one should confess what is felt to be oppressing and only admit those sins which occur to one spontaneously—and thus without the priest foraging in one's conscience: "Denn Gott sihet nicht an, wie wol du gebeychtet habst, sondern seyn wort, und wie du daran glewbst."[29]

Luther's justification theology was thus a formative influence on his doctrine of the confession and penitence. The voluntary character of the auricular confession corresponds to his understanding of how "evangelical freedom" resides in faith, which has no need of ritualized rules for the salvation of the soul. But with reference to actual practice, Luther immediately restricts this "evangelical freedom". An act of confession before a "confrere" is for instance absent in the Small Catechism of 1529; here only confession before a confessor priest is mentioned.[30] But what is more important is that Luther coupled receiving the sacrament of the altar with confessing sins beforehand. When receiving Holy Communion it is forbidden that the conscience be burdened by withheld mortal sins.[31] He then commented in more detail on this in his "Kurze Vermahnung zu der Beicht", which he added to the Large Catechism of 1529. Here he was responding to how his proclamation of free confession has frequently led to confession being omitted out of convenience. Such people, he wrote, should remain with the papacy and anguish over outward things: "Denn wer das Evangelion nicht gleuben noch darnach leben will und thuen was ein Christ thuen sol, der sol sein auch nicht geniessen."[32]

It becomes clear that "evangelical freedom" presupposes a person—like Luther himself—whose desire and search for the path to salvation is self-motivated and comes from within. For the rest, Luther set out rules by which each individual could examine and determine in which condition

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[27] Martin Luther, *Eyn Sermon von der Beycht und dem Sacrament*, 485.
[28] Ibid., 484.
[29] Ibid., 489.
[30] Martin Luther, *Der kleine Catechismus für die gemeine Pfarrherr und Prediger* (*1529*), in *Weimarer Ausgabe*, vol. 30,1 (1910; repr. Graz, 1964), 343.
[31] Lohse, "Privatbeichte", 370.
[32] Martin Luther, *Der Große Katechismus* (*1529*), in *Weimarer Ausgabe*, vol. 30,1 (1910; repr. Graz, 1964), 234.

they are in: "Summa wir wollen von keinem zwang wissen, wer aber unser predigt und vermanung nicht höret noch folget, mit dem haben wir nichts zuschaffen, sol auch nichts von dem Evangelio haben [...]. Darumb wenn ich zur Beichte vermane, so thue ich nichts anders denn das ich vermane ein Christen zu sein."[33] As in all other earlier and later confessional manuals, for Martin Luther the Ten Commandants represented the foundation for personal self-examination and sacerdotal examination.[34]

The examination of faith connected to the act of confession is already present in Martin Luther's conception of confession.[35] Since 1521 he prescribed that notice be given of the intention to receive the Holy Sacrament, so that the priest could gain an idea of his parishioners' knowledge of their faith.[36] This examination of faith, based on their ability to memorize and interpret, was to gauge the parishioners' knowledge of the central tenets of the Holy Sacrament, the Ten Commandments, the Creed and the Lord's Prayer. The actual confession was then soon added, so that in connection with receiving Holy Communion an examination of faith and the conduct of life emerged during Luther's lifetime.[37] As the "unworthy" were to stay away from the sacrament of Communion, the hearing of confession already entailed for Luther the possibility of refusing absolution and thus exclusion from the Eucharistic community. Known as the "minor excommunication", this practice would then go on to play an important role in orthodox Lutheranism.[38]

2. *A New Departure Towards Norms: The Understanding of Confession after the Council of Trent*

The debates and decrees of the Council of Trent can be characterized as a new departure towards installing normative practice. With the reform decrees, the Roman Catholic Church was responding to the challenge of the Reformation and emphasized its orthodox profile in an intentional

[33] Ibid., 237f.
[34] Martin Luther, *Ein kurtz underweysung, wie man beichten sol*, 60.
[35] Aland, "Privatbeichte", 471.
[36] Bezzel, *Frei zum Eingeständnis*, 12.
[37] Fischer, *Zur Geschichte der evangelischen Beichte*, 2: 183.
[38] Dürr, *Politische Kultur*, 304–332.

demarcation.[39] The task of bundling the dogmatic teachings formulated by the Council was then taken on by the "Roman Catechism" of 1566.[40]

The Council of Trent affirmed the medieval understanding of the sacrament of penance without qualification, underlining the divine investiture of the confession of sin. Moreover, the obligatory confession at Easter already codified at the Fourth Council of the Lateran, before receiving the Eucharist and after committing a grave sin, was confirmed. Also maintained was the distinction, taking up the scholastic teaching on the sacraments, between absolution as the active sign of the sacrament and the act of penitence performed by the penitent—contrition, resolution and satisfaction of penitential acts—as its matter. Amongst others, one implication of this was that one could receive absolution through the correct form of confession, even if contrition was not complete.[41] Behind this stood the objectivistic understanding of sacraments, according to which a sacrament works irrespective of the condition of the person involved because God's action cannot be permitted to rely on the believer's inevitably inadequate faith and invariably imperfect contrition.

In respect of absolution itself, the divine presence in absolution was underlined but, as a result of the challenge of the Reformation, the emphasis shifted and was now placed on the adjudicative activity of the priest who was to execute this as a minister of Christ's mercy. In the process, the entire sacrament of penance was interpreted in analogy to a trial proceeding.[42] This correlation was encapsulated in a general congregation of the Council of Trent as follows: conscience is the accuser, the sinner the accused, the priest the judge, the issuing of the acts of penitence and the absolution the judgment passed.[43] But only with exact knowledge of the circumstances of the committed sin could the priest also pronounce a judgment

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[39] Hubert Jedin, *Geschichte des Konzils von Trient* (Freiburg i.Br., 1970–78) 3: 315–337; Hans-Peter Arendt, *Bußsakrament und Einzelbeichte. Die tridentinischen Lehraussagen über das Sündenbekenntnis und ihre Verbindlichkeit für die Reform des Bußsakramentes* (Freiburg i.Br. et al., 1981); for the following, also see Dürr, *Politische Kultur*, 261–267.

[40] Gerhard J. Bellinger, "Catechismus Romanus", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., ^{3}1993–2001) 2: 176–978; Gerhard J. Bellinger, "Der Catechismus Romanus des Trienter Konzils. Ein Handbuch für Predigt und Unterweisung der Gläubigen", *Rottenburger Jahrbuch für Kirchengeschichte* 16 (1997), 23–40.

[41] Pius V., *Römischer Katechismus Welcher auß Bevelch Bäpstlicher Hayligkeit* [...] *nach hievor gegebener Ordnung des hailigen jungst zu Triendt gehaltenen Concilij/ an ein gantze Christliche Gemain/ und sonderlich an die Pfarrer und Seelsorger gefertiget worden* [...] (Dillingen, 1568), 206r.

[42] Arendt, *Bußsakrament*, 236ff.

[43] Ibid., 242.

(Canon 9). Accordingly, the duty to confess fully resulted from the Office of the Keys. In the "Roman Catechism" this was illustrated by the image of a closed room. As one cannot enter a closed place without whoever has the key, so no one is admitted to heaven unless it gates be unlocked by the priests into whose custody the Lord has given the keys.[44]

While no binding statements on the wording of the absolution were made at the Council, the "Roman Catechism" adhered to the formula that Pope Eugene IV had declared to be obligatory in 1439: "ego te absolvo".[45] The drafters of the Catechism responded to possible dissent within the Roman Catholic Church inasmuch as they stated that believers could be thankful to God that the priests had received such a vast authority: "The power given to the priests of the New Law is not limited to declaring the sinner absolved from his sins, but, as a minister of God, he truly absolves from sin. This is an effect of which God Himself, the author and source of grace and justice, is the principal cause."[46]

This was given a succinct formulation in the "Roman Ritual" of 1614. For the sacrament of penance three things are needed: *materia, forma, minister*.[47] *Materia* covers contrition, confession and satisfaction, *forma* is the stated absolution of *ego te absolvo* and *minister* the priest possessing the power of absolution ("vel ordinariam, vel delegatam"). This specified, however, that confession was only valid when given before a consecrated or ordained priest.[48]

The obligation to perform a complete confession implied that, as far as the sins to be confessed were concerned, the Council of Trent took its orientation from the late medieval understanding of sin with its emphasis on sins of deed. This demanded the need for specific ideas as to how confession and penance were to proceed. The Roman Catechism thus established the following: while baptism is a sacrament because it redeems all sins and foremost original sin, so too is confession a sacrament because it "takes away all the sins of thought and deed committed after baptism."[49] The prerequisite for this "taking away" was the complete confession of at least all cardinal or deadly sins, which, since Pope Gregory the Great, are

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44 Pius V., *Römischer Katechismus* [. . .], 209r.

45 Frank Isnard, "Beichte II", in *Theologische Realenzyklopädie* (Berlin and New York, 1977–2000) 5: 417; Pius V., *Römischer Katechismus* [. . .], 196r–v.

46 Ibid., 196v.

47 Paulus V., *Rituale Romanum* (Lugduni, 1616), 57.

48 This had already been adhered to by the Roman Catechism: Pius V., *Römischer Katechismus* [. . .], 212v.

49 Ibid., 194r.

categorized as the seven sins against virtue, namely: pride, greed, envy, wrath, lust, gluttony and spiritual sloth.[50]

3. *Establishing Norms Through the Imperative of Speaking: Confession in Tridentine Catholicism, 1550–1650*

The manuals of the sixteenth and seventeenth centuries also explicated the Catholic understanding of confession first and foremost in disputation with Reformation positions. The former Lutheran and Reform Catholic Georg Witzel wrote at the outset of his explanation that more is needed to earn God's forgiveness "than mere belief".[51] The opening chapter of Martin Eisengrein's confession manual, published only a few years later, amounted to almost an entire catechism on confession.[52] For over more than one hundred pages he presented questions and answers that aimed to provide the faithful with a grasp of the theological foundations of Catholic confession. Here Eisengrein discusses Christ's use of confession, its accordance with Scripture, the stance taken by the Church Fathers and why confession is so acutely necessary.[53]

Preparations for confession are to be systematic and rest on a specific inner attitude that is also recognizable outwardly. As Georg Witzel describes it, the person is to spit at himself, fall to his knees, beat his breast and so "judge and condemn" himself for all the evil he has done in word, deed or thought. In addition, one should fast and pray: "the confession [is] a discipline/ to prostrate and humiliate a person/ which imposes on us a change/ that provokes mercifulness."[54] For the sake of illustration he also provides readers with example sentences: "*Say*/ God be merciful to me the sinner/ I am unworthy / to be called Thou son/ yea/ that the earth carry me/ [...]."

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[50] For the understanding of sin in the Medieval period: Arnold Angenendt, *Geschichte der Religiosität im Mittelalter* (Darmstadt, ²2000), 614–625.

[51] Georg Witzel, *Von der Busse/ Beichte unn Bann/ aus grundt der Schrifft/ Von newem gedruckt/ unn besser zugericht*, (ca. 1550), without page number.

[52] Martin Eisengrein, "Kapitel 1: Wer die Beicht verordnet/ unnd eigesetzt hab/ Item wie hoch und groß dieselbig vonnöten", in *Beichtbüchlein/ In welchem die gantz Materi von der Beicht/ So bey den Catholischen allzeit gehalten/ durch Fragstuck erclärt/ und darneben den Büssenden ein gelegne Weiß/ jhre Gewissen zuerforschen/ unnd jhre Sünd Gott unnd dem Priester zubeichten/ fürgeschriben wirdt* (Ingolstadt, 1579).

[53] Ibid., 112.

[54] Georg Witzel, *Von der Busse/ Beichte unn Bann/*, without page numbers.

This self-accusation was also described as "inner confession" before God, which—as for Luther—ultimately designated an attitude that was to pervade the whole of life of the believer. How one was to confess "inwardly" before God and thus prepare for the actual confession before the priest was described in increasingly meticulous detail over the course of the sixteenth century.[55] Georg Witzel remained rather general: "Before and in this confession thou shall examine seriously thine conscience/ thine spirit/ and all that is interior [...]."[56] In contrast, the Ingolstadt theologian Martin Eisengrein, twenty years younger, devoted two hundred pages to explaining the prayers which needed to be said to get ready for confession, which questions are suitable for explaining the Ten Commandants and the Seven Deadly Sins, as well as which prayers are to be commended following confession.[57]

Such an "inward confession" is to be performed daily, at best while in bed at night when one remains undisturbed. This is the time to take out one's catalogue of sins, which "is/ thine conscience".[58] One can address the soul with the following words: "Come hither/ my soul/ let us observe together/ what good we have done/ and what evil we have let loose."[59] Accounts have to be drawn at the end. What good one has done is to be put down to God. The sins one finds in his conscience are to be wept for with all one's heart. Then one can entreat God for mercy and so "thou can/ though lying in bed/ erase thine sins."[60]

According to Eisengrein, the "inward confession" is a daily examination of conscience, which helps the believer to recognize their sins and evoke remorse. As a result, it brings about divine absolution and consoles. Important is the significance Eisengrein attached to this daily self-exploration. Speaking about oneself is in principle enough to ward off the devil. In a sermon from 1566 Eisengrein emphasized that the devil makes man blind, mute and deaf.[61] Whoever remains mute is consigned

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[55] Timotheus Rast OSB, *Von der Beichte zum Sakrament der Buße. Eine katechetische Besinnung zur rechten Unterweisung über das Sakrament der Buße mit geschichtlicher und theologischer Begründung* (Düsseldorf, 1964), 46.

[56] Georg Witzel, *Von der Busse/ Beichte unn Bann/*, without page numbers.

[57] Martin Eisengrein, *Beichtbüchlein*, 566–756.

[58] Ibid., 158.

[59] Ibid.

[60] Ibid.

[61] Martin Eisengrein, *Trewhertzige vermanung an alle Catholische Christen. Das sie sich/ durch den Teuffel und seine Diener/ von der BEICHT nit lassen abwenig machen.* [...] (Ingolstadt, 1566), 11r–17r.

to eternal damnation. Only the self-accusatory speech before God and the priest saves one from the influence of the devil.

In what way confession helps to overcome a devilish muteness is also the theme of a sermon by the Kempten monastery chaplain Jakob Hornstein, which was published a generation after Eisengrein's lifetime.[62] He extended the scope of this line of attack by denouncing the muteness of both the parishioners and the confessors. The devil strives to prevent the reconciliation with God achieved in confession.[63] This occurs, firstly, by rendering the confessors mute so that they do not entice their parishioners to speak in the confessional, but simply absolve without examining acts of penance. With such "worldly shavepates" a confession hardly ever lasts more than an hour.[64] Secondly, Hornstein dealt in far greater detail with the muteness of his parishioners who prepared insufficiently, showed no remorse, wantonly passed over sins and repeatedly put off going to confession.[65] But here too it holds: by confessing to a decent priest one can overcome the devil. Through our speaking—because he listens to the exchange and due to the remorse this speaking brings forth—the devil cannot damage the believer.[66] According to Hornstein, the confession thus needs an *audible* act of speaking. Unlike Eisengrein, Hornstein thus did not presume that an "inward confession" before God also enables absolution. To confess to Christ, he writes, has no effect because nobody can judge and pass sentence on themselves.[67] The examination of the conscience undertaken in the "inward confession" serves only to prepare for the actual confession before the priest, for the priest alone has the power of the keys.[68] But the priest can only efface the sins he has heard.[69] For this reason the parishioners are obliged to confess their sins, in particular their mortal sins, in full. Should one or more mortal sins be knowingly

[62] Jakob Hornstein, *Ein Christliche Catholische Beichtpredig/ Von den stummenden Beichtvättern unnd Beichtkindern/ auch von dem Gewalt eines getrewen Catholischen Beichtvatters/ welchem ein jeder Büsser und Todsünder/ mit mündlicher/ volkommlicher/ Sacramentalischer Beicht underworffen ist/ ausser welcher sonsten kein Gnad/ Verzehrung noch Seligkeit zuverhoffen* [...] (Ingolstadt, 1591).
[63] Jakob Hornstein, *Beichtpredig*, 3.
[64] Ibid., 7f.
[65] Ibid., 11–19.
[66] Ibid., 34.
[67] Ibid., 32–33.
[68] Ibid., 34.
[69] Ibid., 25f.

not confessed, then those confessed cannot be dissolved. The kingdom of heaven remains closed to the "mortal sinners".[70]

At the center of all of the Catholic confession manuals and sermons on confession stands a discussion of the concept of mortal sin and the question of what awaits the "mortal sinner" after death and here on earth. The answers given varied greatly. Martin Eisengrein emphasized that "mortal sinners" run the risk of committing further sins because they have been "robbed of God's mercy".[71] This is why it is an obligation to confess all mortal sins in full. But there is no need to become timid and fearful, he writes, if one has forgotten a mortal sin: "Then this would be too great a burden/ and an unbearable yoke/ above all for those/ who confess only once a year."[72] This does not hold, however, if one has forgotten to confess a sin due to a lack of preparation.[73]

Like Eisengrein, the Jesuit Nicolaus Cusanus emphasizes in his widely read and repeatedly published *Christliche Zuchtschule* from 1626 that one should confess at least once a year at Easter and whenever one had committed a mortal sin. As long as mortal sins are not confessed, then the soul is dead and identical to the heinous devil.[74] But in distinction from Eisengrein, here it is no longer the mortal sins *passed over intentionally* which render a confession invalid, but also a simply *forgotten* one. A mortal sin, he explains, is worse than the plague, hunger, war and torture together. "Yea, it is even worse than hell and the devil" because it is the reason for hell itself.[75]

Whereas Eisengrein had still commended self-examination of the conscience as a means to dissolve sins on a daily basis, since the seventeenth century explorations into the conscience were undertaken under the sign of a terrible fear of hell, which was all the more great because only a few Christians would have escaped eternal damnation.[76] In his *Christliche*

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70 Ibid., 28f.

71 Martin Eisengrein, *Beichtbüchlein*, 113.

72 Ibid., 238f.

73 Ibid., 235f.

74 Nicolaus Cusanus SJ, *Christliche Zuchtschul/ In welcher gründliche/ unnd wahrhafftige Resolution/ und Aufflösung aller schwähren Fragstück/ so in jedem Weltlichen Standt/ Wandel und Handel mögen fürfallen: Wie auch der fürnembsten streitigen Artickeln Erklärung kürtzlich fürgebracht wird. Allen Seelsorgern/ und dem gemeinen Mann sehr nutzlich* (Luzern ^{2}1654), 224f.

75 Ibid., 300f.

76 This is not least a consequence of the particular importance of the Jesuit conception of post-Tridentine Catholicism, see Jendorff, *Reformatio Catholica*; Michael Maher SJ, "Confession and consolation: the Society of Jesus and its promotion of the general confes-

Zuchtschule Nicolaus Cusanus answered the question of whether Christians can be certain of becoming blessed with a clear "no". Man cannot know if he is worthy of love or hate, "rather all things are held uncertain until the hereafter."[77] A few pages later he writes that the opposite is certain: that many will be damned and only a few blessed.[78]

In the same spirit, the Spanish Jesuit Cristóbal de Vega composed a book about "sorrowful confession stories". It was translated into various languages, including German, by a Jesuit friar.[79] After three introductory chapters discussing in principle the importance of performing a full confession, from the fourth chapter of the first part onwards there follows almost one hundred octave pages of stories about people who have died condemned because they have violated the imperative of completeness. Interestingly, aside from the odd exception, these stories concern women. The second part of the book contains once again one hundred pages of stories of people condemned to hell for eternity because they died without resolving to improve their conduct.

Properly performed confession helped avoid eternal perdition. Herein alone lay an impulse for setting standard procedures. Along with the penitent preparing for confession, the proper form included that the confession be made before a consecrated priest. The still ongoing refutation of Reformation positions is presumably the reason behind the always-copious explanation of the office of the keys held by priests. The metaphors employed to describe the act of confession reveal, however, that very different subject matter could reside behind this "proper form". Georg Witzel, for example, emphasized the importance of a consecrated priest because hearing a confession entailed a degree of artistry, for it "is spiritual medicine".[80] This medicine resides in the fatherly concern for the soul of the faithful and providing counsel. It is all the more necessary because the self-accusation

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sion", in *Penitence in the Age of Reformation*, eds. Katherine Jackson Lualdi and Anne T. Thayer (Aldershot et al., 2000), 184–200; Dominik Sieber, *Jesuitische Missionierung, priesterliche Liebe und sakramentale Magie. Volkskulturen in Luzern 1563–1614* (Basel, 2005).

77 Nicolaus Cusanus, *Christliche Zuchtschul*, 300.

78 Ibid., 302.

79 Christoval de Vega, *Traurige Geschicht Von der Beicht. Ein sehr nutzliches Tractatl, Welches Zu der frölichen Sicherheit deß Gewissens führet. Erstlich/ Durch R.P. Christophorum de Vega, auß der Gesellschafft Jesu Priestern in Spanischer Sprach zusammen gezogen/ und beschriben: Darnach durch einen anderen/ gleiches Ordens/ Priesteren/ in die Wälsche Sprach treulich versetzet: Nun aber von einem Dritten erwehnter Gesellschafft Priesteren/ in die Teutsche Sprache einfältig/ zu besserer Verständnuß der Lesenden/ überbracht* [. . .] (München, 1683).

80 Georg Witzel, *Von der Busse/ Beichte unn Bann/*, without page numbers.

prior to confession must torment and break the heart, for "where else does sin come from/ if not the heart?" The tasks to be performed by the physician of the soul also include the examination of the penitent: "It shall be at least one hour in a year/ wherein a shepherd of the Church gathers his sheep under his rod and examines."

Nicolaus Cusanus described the actual confessional conversation in far greater detail. The penitent is to "kneel down" at the side of the priest "as if before Christ Himself", face the wall and not the priest, for "it is not honorable to look at the father confessor".[81] In contrast to the comparison with the physician of the soul, Cusanus is thus emphasizing the position of the priest as Christ's representative and so his unchallengeable authority.[82] Then the penitent is to touch the cross, join their hands and say: "Father, give me the holy blessing". After the blessing the confession begins with the proper wording, namely "I, the poor sinner, confess". Once this formula for the confession is done, the penitent is to then say when they last confessed, whether everything had been confessed, and whether all acts of penance were performed. Only now are the actual sins told, whereby any questions posed by the confessor have to be answered in detail. Cusanus then provides numerous examples as to how one could confess mortal sins.

Whether the standardized norms for performing confession proved successful and in what way they shaped the conduct and the self-understanding of the faithful is of course not discernible from the confession manuals. As previously mentioned, there are very few studies on the actual confessional practice of Catholic congregations in the Early Modern period and, moreover, they contradict one another in their overall conclusions. Marc R. Forster comes to the conclusion that precisely in the area of confession the reform efforts of the Catholic clergy remained largely unsuccessful.[83] On the other hand, David Myers has shown that in seventeenth-century Bavaria Catholics went to confession on average five to seven times a year, thus far surpassing the repeatedly emphasized obligation to confess once a year at Easter.[84] In what way the faithful prepared for confession, if they were guided by a fear of the eternal torments of hell or moved by

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[81] Nicolaus Cusanus SJ, *Christliche Zuchtschul*, 236–240.

[82] See with a look at the second half of the seventeenth century: Renate Dürr, "Images of the Priesthood: An Analysis of Catholic Sermons from the Late Seventeenth Century", *Central European History* 33 (2000) 87–107.

[83] Marc R. Forster, *The Counter-Reformation in the villages. Religion and Reform in the Bishopric of Speyer, 1560–1720* (Ithaca/ London, 1992), 241.

[84] Myers, *Poor Sinning Folk*, 189f.

the hope of consolation, are questions which can only be answered by placing greater focus on an interpretation of the personal testimonies of Catholics.[85] From the standpoint of current research it must remain open if the argumentation calling on hell and the devil was a concession to the desire for sensation held by parishioners, as Wolfgang Brückner suspects,[86] or if it is to be read rather as a response to neglectful practice, as Marc R. Foster claims.[87] A consideration of the iconographic program of the confessionals installed everywhere from around 1650 onwards shows clearly that the importance attached to the devil and the fear of hell as an incitement for confession needs to be relativized. The accent here is far less on evoking fear of the torments of eternal damnation than on divine absolution that the penitent can receive through confession.[88]

4. *Normative Standards Through the Precept of Knowledge: Confession in Orthodox Lutheranism, 16th–17th Century*

If the Council of Trent and the Tridentine Catholicism can be largely interpreted as a response to the challenge posed by the Reformation, for their part the Lutheran clergy and congregations also had problems dealing with the legacy of Martin Luther from 1550 onwards. In many respects Luther's theology placed excessive demands on practice: what justification in faith, evangelical freedom and the principle of the priesthood of all believers actually meant in everyday life was extremely difficult to determine. Therefore the key inner-Lutheran controversies ultimately entailed all the core issues of his theology. With social conditions changing, the questions must also be posed anew. One could even say that each generation had to come to grips with the "deviation" from Lutheran principles and ask whether and in which respect the practice or the theological foundations of this practice had to be changed.

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[85] For initial considerations, see: Renate Dürr, "Funktionen des Schreibens: Autobiographien und Selbstzeugnisse als Zeugnisse der Kommunikation und Selbstvergewisserung", in *Kommunikation und Transfer im Christentum der Frühen Neuzeit*, eds. Irene Dingel and Wolf-Dietrich Schäufele (Mainz, 2007), 17–31.

[86] Wolfgang Brückner, "Die Neuorganisation von Frömmigkeit des Kirchenvolkes im nachtridentinischen Konfessionsstaat", in *Das Konzil von Trient und die Moderne*, eds. Paolo Prodi and Wolfgang Reinhard (Berlin, 2001), 162f.

[87] Forster, *The Counter-Reformation*, 29, 241; Forster, *Catholic Revival in the Age of Baroque. Religious Identity in Southwest German, 1550–1750* (Cambridge, 2001), 25, 111f, 183, 205.

[88] Dürr, *Politische Kultur*, 267–280.

Naturally enough, this is a dilemma some confessional adversaries observed with gleeful malice. At the beginning of the eighteenth century two Catholic polemics were published which sought to prove, based on Luther's own writings, that one could easily convert from being a Lutheran to Catholicism.[89] In fictive conversations between two Lutherans, the authors dealt with all fields of Luther's theology, always coming to conclusions such as the following: "What says Fidelis? See, can man be a better Catholic with respect to confession as our blessed master Lutherus teaches? Fidelis. I truly do not know who could be better."[90] Interesting are the replies to this polemic given by the Lutheran side. They made no effort to refute the asserted discrepancy between Lutheran theology and contemporary Lutheran practice of faith, but sought rather to explain it. In his day, claims one, Luther had not yet wanted to carry out the changes to the confession.[91] Moreover, it is not necessary to follow Luther in everything, opined the other.[92]

All four authors shared the assumption that, firstly, the *general* confession is the usual practice in the Lutheran churches, and secondly that this confession practice contradicts Luther's ideas about the meaning and necessity of a *private* auricular confession. At least Heinrich Ernst Owens, dean of Alfeld in the diocese of Hildesheim, should have known better. The private auricular confession was first abolished in this region in the 1780s, fifty years after these hefty exchanges.[93] For this reason, the Lutheran answers are to be read less as a depiction of Lutheran practice

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[89] *Catholischer Lutheraner/ Das ist: Handgreiflicher Beweiß Aus Denen Schrifften Lutheri, Daß ein Lutheraner den wahren Catholischen Römischen Glauben annehmen/ Und offentlich profitiren könne/ Ohne Einen Nagel=breit von der reinen Lehr des Herrn Lutheri nicht abzuweichen. In einem Gespräch zwischen zweyen Lutheranern Bonifacio und Fideli, vorgestellet.* [...] (Würzburg, 1736); *Besser unterwiesener Catholischer Lutheraner, das ist: Ein vertrauliches Gespräch/ darinnen von Fideli und Bonifacio/ Zweyen Catholischen, Aus denen Schrifften Lutheri/ Die Frage beantwortet und erörtert wird, Ob ein Lutheraner den wahren Catholisch=Römischen Glauben annehmen, und öffentlich profitiren könne, Ohne einen Nagelbreit von der reinen Lehr des Herrn Lutheri nicht abzuweichen?* (Köln, 1737).

[90] *Catholischer Lutheraner* [...], 59.

[91] *Alt=Catholischer Lutheraner, Das ist: Handgreifflicher Beweiß Aus den Schrifften Lutheri, Daß Kein Lutheraner den Catholischen Römischen Glauben annehmen und offentlich profitiren könne, Ohne Himmel=weit von der reinen Lehr des Herrn Lutheri abzuweichen. In einem Gespräch zwischen einem abgewichenen und beständigen Lutheraner, Bonifacio und Fideli, vorgestellt, Und dem so genannten Catholischen Lutheraner bescheidentlich entgegen gestellet* (Frankfurt/ Leipzig, 1736), 87.

[92] Heinrich Ernst Owenus, *Anmerckungen über ein Büchlein, Catholischer Lutheraner genannt* [...] (Hildesheim, 1737), § 8.

[93] Dürr, *Politische Kultur*, 306.

than as a contribution to heated debate about private confession in Lutheranism at this time.[94]

In respect of the theology of repentance, for the duration of the whole period the Lutheran clergy were forced to face up to and explain the tension, evident in Luther's teachings, between *evangelical freedom in confession* and *Church discipline through confession*.[95] Until well into the second half of the seventeenth century, Lutheran theologians were involved primarily with formulating a "Lutheran confession". Which prayers and confession formulations are to be recommended? What is the nature of the relationship between free conversation about sins and examining knowledge? How are the positions of the confessor and the penitent in the act of confession to be described? The idea of evangelical freedom in confession played an increasingly reduced role. Since the end of the seventeenth century, the number of those increased who announced principle objections against the auricular confession. The discussion on the theological foundations of confession gained in importance through Luther. But this time it was frequently the hitherto presupposed benefit of confession for Church discipline that was called into question.

Here I would like to look into the first phase of the determination of the Lutheran position in more detail. In this period, confession and absolution were amongst the most important fields of action assigned to priests as part of their punitive authority towards the individual believer and the whole congregation. This significance stemmed from how confession and absolution were prerequisites for the partaking of the Eucharist, thus ensuring that "this holy sacrament does not go to the dogs/ and not cast pearls in front of swine", as Konrad Dietrich preached.[96] In turn, not only those who received the Eucharist in an unworthy state sinned against the body and blood of Christ, but also those who knowingly distributed communion

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[94] Aland, "Die Privatbeichte im Luthertum", 497–517; Obst, *Der Berliner Beichtstuhlstreit*; Dietrich Blaufuß, "Philipp Jacob Spener, Johann Caspar Schade und sein Freundeskreis in der Auseinandersetzung um die Einzelbeichte im Pietismus", *Jahrbuch für Berlin-Brandenburgische Kirchengeschichte* 48 (1973), 19–52; Rublack, "Lutherische Beichte und Sozialdisziplinierung", 127–155, Mary Jane Haemig, "Communication, consolation and discipline: two early Lutheran preachers on confession" in *Penitence in the Age of Reformation*, eds. Katherine Jackson Lualdi and Anne T. Thayer (Aldershot et al., 2000), 30–48.

[95] See for the following with references: Dürr, *Politische Kultur*, 281–303.

[96] A distinction was frequently drawn, however, between a formulaic confession and a registration for "confession and communion", whereby permission for both was decided upon, Dürr, *Politische Kultur*, 308.

to such persons.[97] The deacon of Ulm was not alone in regarding Holy Communion as the "most dangerous part" of the priest's office. The confessional conversation thus challenged the pastor's conscience.[98]

The confessional conversation became an issue of conscience because the orthodox Lutheran, in contrast to Luther and the early reformers, once more interpreted confession and penance as a court proceeding. In the middle of the sixteenth century for example, Erasmus Sarcerius had explicitly spoken out against the priest questioning the penitent in his widely used *Pastorale*, because ultimately the confessor has no right to judge the penitent.[99] A generation later, however, the well-known Gnesio-Lutheran Tilemann Heshusius asserted in his work *Amt und die Gewalt der Pfarrer* that the "force of the spiritual court" is part of the priest's office in place of God to forgive the repentant sinner all sins and to bind and retain the sins of the unrepentant.[100] A further half century later, the Nuremberg pastor Johannes Saubert, in his widely-read *Zuchtbüchlein* stated: "The authority of the Church Servant/ is twofold/ it is the authority to order/ and the power of punitive authority."[101] The latter authority is in turn defined as the "Church Court contra violators" by excluding them from the congregation.[102] Finally, at the end of the seventeenth century, Johann Samuel Adami wrote in a similar vein even less specifically in respect of the confession: "This confession=actus is a small court/ man is

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[97] Konrad Dieterich, *Lindawische Beicht Predigt: darinn die Frag mit wenigem abgehandelt wird, ob und mit welcher gestalt die Privat Beicht in den Evangelischen der reinen Augspurgischen Confession zugethanen Kirchen einzuführen und zu erhalten seye* (Ulm, 1627), 14, 16.

[98] Similarly: Christoph Lasius, *Ein beichtbuchlein/ und was dazu gehört. Als nemlich/ Von der Sünde. Von der Absolution von dem Abendmal Christi. Item der Kinder Glaube in fragstück gestellet* (Leipzig, 1560), without page numbers: But whoever receives the sacrament in an unworthy state sins against the body and blood of Christ, a guilt that will be punished at the Last Judgement. Moreover, it is "dangerous" to return to one's old ways and life after receiving Communion, for "this meat and drink is nothing to be joked with." The Pietistic critique was also frequently aimed at the undue demands placed on the pastor, which meant a serious examination of the penitent by the confessor; for more detail, see Dürr, *Politische Kultur*, 291–296.

[99] Erasmus Sacerius, *Pastorale/ Oder Hirtenbuch/ Vom Ampt/ Wesen/ und Disciplin der Pastorn/ und Kirchendiener/ Und wie sie von jugend auff studieren sollen/ und hernach auch nützlich leren/ in jrem gantzen Kirchenampt/ in Lere und Leben sich unverweislich verhalten/ desgleichen in schweren/ und ungewöhnlichen fellen erzeigen/ welche sich umb/ und neben jrem Ampte teglich zutragen* [. . .] (Eisleben, 1559), 104r.

[100] Tileman Heshusius, *Vom Ampt und gewalt der Pfarrherr. Auch Wer macht/ fug und recht hab Pfarrherrn zuberuffen* (Erfurt, ca. 1580), without page numbers.

[101] Johannes Saubert, *Zuchtbüchlein der Euangelischen Kirchen, Darinn Von der Nothwendigkeit der Kirchen Zucht gehandelt wirdt* (Nürnberg, 1633), 254.

[102] Ibid., 255f.

reus [...]/ he accuses himself/ he judges himself."[103] The preacher listens to the accusation "and because he has so much power from the supreme judge" to forgive the repentant his sins, he absolves him.

The interpretation of confession as a court trial also had an effect on the understanding of absolution and the wording used. Luther had attached importance to the preacher only being able to annunciate what God in heaven had already brought to pass. According to Adami in contrast, it was the confessor who, taking God's place, absolves the penitent from sin. The Lutheran church orders of the sixteenth century took a middle course. Following the Hildesheim church orders of 1544 the confessor was to first point out that the remorseful sinner had already been forgiven for his sins through his faith in Jesus Christ. Then the confessor absolves him with the words: "And I through the mercy of our Lord Jesus Christ [...] absolve thee from all thine sins in the name of the Father and the Son and the Holy Ghost. Amen."[104] In the second part these Hildesheim church orders were thus drawing on Late Medieval, indicative wording of absolution, which—as mentioned—had also once more gained in actuality in post-Tridentine Catholicism through the *Rituale Romanum*.

At the same time, however, it should not be overlooked that in respect of the "judgment" the confessor was to pass, in other words in respect of the acts of penance imposed, a fundamental difference remained between the two denominations. In the understanding of the Lutheran orthodoxy, the confession did not end with the priest's judgment on the gravity of the sins, so different acts of penance corresponding to the respective sin were not imposed. For this reason the orthodox "confessional trial" was not a complete confession. In Lutheran orthodoxy there was only absolution through the preacher or its denial, which first and foremost meant the exclusion from Holy Communion; in other words, a temporary exclusion from the Christian community.

There was also a difference in the relationship between the personal confessing of sin and the confessor examining the knowledge of catechism. Considering the confession manuals, both had a place in confession in the two denominations. But within this similarity, the Lutheran clergy placed greater emphasis on the dimension of the teachings as a moment in the confessional act. Erasmus Sarcerius wrote, for example, that one

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[103] Adam Adami, *Der gewissenhaffte Beicht-Vatter, wie er seyn soll* [...] (Leipzig and Dresden, 1694), 17f.

[104] Quoted in Dürr, *Politische Kultur*, 286.

can contribute greatly to instructing man with sermons, but much more progress could be made through confession.[105] In the confession and communion manual of Christoph Lasius, which went through four editions between 1551 and 1575 alone,[106] the *confession as a place of learning* was the focus of concern. He answered the question as to what purpose confession serves as follows: "Firstly to instruct the penitent to see what he learns from the sermon", as well as providing consolation when the penitent is in despair and melancholia.[107] In the process, Lasius implies that knowledge of the core tenets of Christianity is in itself a decisive step towards repentance and reversal of conduct. Whoever wants to partake of the sacrament, wrote Lasius, must *know* the following: what a sin is, which punishment follows the sin, how one gains forgiveness for sins, who Christ is, what the sacrament of the altar entails, and so on. In conclusion, Lasius then recapitulates that one is in a worthy state to receive the sacrament when one *knows* what the sacrament is and what purpose it serves. Only then can the resolution follow to turn away from sin. Knowledge thus means reversal, while ignorance leads all too easily to sinfulness.

Other authors expounded on the store of knowledge needed before one could receive the Eucharist in more concrete terms. According to Johann Mathesius, for example, a penitent had to know the catechism, the Ten Commandants, the articles of faith, the paternoster and the Lutheran dogma on baptism, Holy Communion and absolution, thus possessing overall "a sum of the evangelical doctrine."[108] In this way, examining the knowledge of Christian tenets also served to nurture orthodoxy. Konrad Dietrich emphasized several times that confession promotes the "purity of the doctrine" because young people are then first admitted to partake in Holy Communion when they can demonstrate proper accountability.[109]

Whereas in Catholic confession manuals *speaking* took center stage as the instrument against the devil and sin, the Lutheran preachers emphasized *knowledge* as the possibility to resist the devil and sin. For this reason, many a preacher differentiated the example confessions according to respectively assumed knowledge and distinguished between "young

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105 Erasmus Sarcerius, *Pastorale oder Hirtenbuch*, 99r.

106 Mager, "Beichte und Abendmahl", 173f.

107 Christoph Lasius, *Ein beichtbuchlein/ und was dazu gehört*, without page numbers.

108 Johann Mathesius, *Etliche Fragstück von der Beicht, Absolution und vom Hochwirdigen Sacrament des Altars: Für die Christliche Jugent inn S. Joachimsthal. Wie sich auch ein Christlich Beicht-Kind seiner Heyligen Tauff trösten soll* [. . .] (Nürnberg, 1568), AIVv.

109 Konrad Dieterich, *Lindawische Beicht Predigt*, 19.

people" and adults as well as, amongst adults, between their current knowledge and learning.[110]

The examining of knowledge is not to be interpreted as the obverse to a personal confession of sin, but as part of it. Just how prominent the status accorded to the personal self-examination of the parishioners was, and thus along with it the conversation about their sins in the confession, may be seen by the extent to which the Lutheran confession manual, employing the Ten Commandants, sought to confront the faithful with their conduct and attitudes.[111] Adam Weinheimer, for example, compiled eighty-nine questions on the First Commandment alone with which a good Christian could examine himself before confession.[112] These questions concerned the fundamental attitude of the Christian towards God, his humility and solidity of trust. Based on the number of questions, the Fifth and Sixth Commandments were also pivotal in preparing for confession. In these questions the vices categorized under the seven deadly sins played an important role.[113] Here, namely, questions were posed as to excessive eating, irascibility, rancor, envy, usury, and much more. As in their Catholic counterparts, the Lutheran confession manuals aimed to examine all areas of life. Moreover, again as in Catholic manuals, Lutheran theologians warned impenitent sinners of hell and the Last Judgment. At the end of his sprawling "guilt register", Kaspar Melissander wrote that every conscience could now recognize that it is cursed like "all violators of the law":[114] "Thou shalt with body and soul/ be cast down to the eternal guilt of the hellish fires/ and remain damned there/ for all eternity."[115] Consolation was given, however, by the following "mercy manual" against the bane of the law and confession, for which one was to prepare with the help of numerous prayers.

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[110] Christoph Lasius, *Ein beichtbuchlein/ und was dazu gehört*, without page numbers; Kaspar Melissander, *Beicht und BetBüchlein/ Für Christliche Communicanten. Mit vorgehendem Unterricht/ von der Beicht/ Absolution und Abendmahl des Herrn* […] (Leipzig, 1606), 223–232; Andreas Osiander, *Beicht: Lehr: Trost: und Betbüchlein/ Guthertzigen und einfältigen Christen zu Nutzen/ sonderlich aber für die liebe Jugend zusamen getragen* […] (Tübingen, 1606); Adam Weinheimer, *Beicht=Spiegel/ Das ist: Christlicher Unterricht von der Beicht und Absolution/ sampt rechtem Gebrauch deß heiligen Abendmahls* […] (Stuttgart, 1654), 122–130.

[111] Michael Caelius, *Ein danck, Beicht und Betbuchlein/ Für Kinder und einfeltige Christen* (Nürnberg, 1550); Johann Mathesius, *Etliche Fragstück von der Beicht*, AVv.

[112] Adam Weinheimer, *Beicht=Spiegel/ Das ist: Christlicher Unterricht von der Beicht und Absolution/ sampt rechtem Gebrauch deß heiligen Abendmahls* […], 48–58.

[113] Ibid., 73–80, 83–91.

[114] Kaspar Melissander, *Beicht und BetBüchlein/ Für Christliche Communicanten*, 138.

[115] Ibid., 139f.

As a result, greater importance was attached to the appropriate form of preparation and the proper confession in Lutheran manuals. When everything is correctly observed, wrote Kaspar Melissander, one could rely fully on the "infallible/ sealed and signed gracious letter of indulgence" and thus triumph over death and the devil.[116] In addition to the inner, here too an outwardly visible preparation became increasingly important. Johann Deucer, for example, compiled various prayers and hymns with which the faithful could prepare each day of the week for confession on Saturday.[117]

According to the pietistic pastor Johann Friedrich Starck, each morning and evening for at least a week one should try to determine whether one has become "more pious in life, more tender in choice of words, more devout in prayer".[118] If the week of preparation has been spent calmly and proven edifying, then one gets up early on Saturday, the day of confession, "washes, dresses, not in finery but in such a way that the character of the heart can be seen from the clothing. While washing one thinks: oh, Lord Jesus! Cleanse me of my sins; while dressing: oh, Lord Jesus! Clothe me in with Thine righteousness."[119] Besides the prayers and hymns which Johann Friedrich Starck spoke of in detail, the decisive preparatory steps on the way to the confessional were thus a fitting inner attitude of the heart, the outwardly documented humility in clothing and the act of combining these inner and outward dimensions in the ceremony of washing and dressing. The combination of *actio* and *contemplatio* in washing and dressing—presumably inadvertently—recalls the priestly dressing rituals in Catholicism.

It also holds for the Lutheran realm that no direct conclusions may be drawn from the confession manuals as to the actual practice. The few preliminary studies show, however, that priests actually used the possibility of excluding parishioners from Holy Communion.[120] How frequently this occurred in relationship to the total number of absolutions, what reactions measures of this sort provoked amongst parish members, the

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[116] Ibid., 236f.

[117] Johann Deucer, *Newes Bettbüchlein, Darinn allerley Christliche/ trostreiche und heylsame Betrachtungen/ und Gebet/ in allerley gemeinen unnd sonderbaren Nöthen unnd Anligen/ andächtig unnd selig zu gebrauchen* [. . .] (Strasbourg, 1660).

[118] Johann Friedrich Starck, *Communion=Buch, oder die andächtige Seele in dem Beichtstuhl und bey dem heiligen Abendmahl, samt zwölf Regeln einer feinen äusserlichen Zucht, wie man sich zu den Herrn Tisch nahen soll* (Stuttgart, 1763), 2. This book was published in at least seven editions, the fourth in Frankfurt am Main in 1736; besides the edition of 1763 I have used, others to be located were from the years 1743 and 1765.

[119] Ibid., 3.

[120] Kaul, *Undankbare Gäste* 221–256; Dürr, *Politische Kultur*, 307–331.

importance they attached to confession in general, and how they prepared for the confession—these are all aspects that need to be examined in detail in studies. In some cases the relevance of this practice may be construed from the protests expressed by many believers from around 1700 onwards. More and more frequently they reflected on the principle of "evangelical freedom" in confession, which they then, appealing to Luther, tried to enforce against their Lutheran parish ministers, albeit not always successfully.

5. *Summary*

Research into confessionalization in the Early Modern period has continuously focused on the disciplining factors. As this was underpinned by an absolutizing tendency and the approach is generally embedded in a theory of modernization, for some time now this perspective has been relativized. This does not mean, however, that the clergy of all denominations did not pursue this aim. They interpreted their post as that of a penitential office, which, in light of the Day of Judgment, was perceived as representing an immense responsibility. This is very much in evidence in the confession manuals of Catholic priests and Lutheran pastors discussed here. These manuals do not describe the actual confession practice itself. The few preliminary studies permit the assumption, however, that precisely the impulse to establish normative standards in these confession manuals had a formative influence on practice. The "proper form" of preparation for the act of confession and the confessional conversation itself generated in both denominations a hope of salvation and thus consolation.

This article shows that Lutheran and Catholic ideas of confession throughout the sixteenth and seventeenth centuries closely resembled one another. Confession and absolution preceded Holy Communion. It was explicitly pointed out in both that confession thus represents an excellent means for establishing church discipline. This was because, as distinct from the idea of the "private auricular confession" as a "private affair", the significance of the confession for both the individual believer as well as the whole parish was resided in its eschatological dimension as an instrument of defence against the influence of the devil. The Church discipline imposed on the individual was thus also a prerequisite for ensuring a Christian regimen in the community.

Both Catholic and Lutheran clergy emphasized the importance of the confessor's role in this context, for ultimately he was burdened with

responsibility for absolution. This "ordeal of the conscience" in the confessional was a consequence of an idea of the confession as a trial court. In place of Christ it was the confessor who absolved the sinner—accordingly it was also for his conscience to decide whether to grant or refuse absolution. As a result, the confession took on the character of an examination in which both the personal sins of the penitent as well as knowledge of the foundations of the Christian religion were at issue. Knowledge became a decisive category in dealing with sins. As far as the kind of knowledge demanded was concerned, however, the two denominations took different stances. Catholic confession manuals emphasized the knowledge of the confessor, who could only absolve those sins which he knew about. This was the basis for the imperative of full confession. But it was also the basis for articulating the examination of the self, because it was believed that this act of speaking itself was a key instrument in overcoming the devil. In contrast, Lutheran manuals placed greater emphasis on the penitent's store of knowledge, for knowledge is akin to initiating reversal and good conduct, whereas ignorance only serves to induce sinfulness.

At the same time, however, even if with divergent emphasis, both fields (knowledge of specific matter and a specific form of self-examination) in the confession manuals played the pivotal role in ensuring a good preparation for confession, a fruitful confessional conversation, and thus ultimately a model for a proper conduct of life. At least in retrospect, it cannot be denied that the confession manual had a normative effect on the self-understanding of the Christian faithful in the eighteenth and nineteenth centuries.

"POLICING" AND MORALITY: ON THE STATE REGULATION OF FAITH AND MORALITY IN THE POLICY DECREES OF THE EARLY MODERN PERIOD

Thomas Simon

At the beginning of the Early Modern period there emerged what constitutional history has called the "territorial state". Amongst its key features are specific functions and the new type of institutions at its disposal. Both of these distinguish it from the older organizational forms of statehood. Above all, the new function of formulating and imposing laws is most striking: in its nascent phase in the sixteenth century the territorial state became increasingly active in the legislative field.[1] Secular rule took on a clearly different character: from now on it was no longer limited to jurisdiction and providing protection as was the case in the secular rule of the Medieval period.[2] Rather, it was the realm of laws and their enforcement that developed, also in the self-understanding of the princes, into the decisive function of rule in the territorial states.[3]

Logically enough, this new function demanded specific institutions, which ensured that laws were observed and their violation sanctioned. And indeed it was the case that from the end of the Middle Ages such institutions for setting norms and imposing sanctions gradually emerged: councils were formed at the courts which served as a counseling organ for the princes on laws and legal issues,[4] while officials ensured that

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[1] Armin Wolf, "Gesetzgebung in Europa 1100–1500. Zur Entstehung der Territorialstaaten." Second reworked and extended version of the article for the *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, ed. Helmut Conig (München, 1996). Thomas Simon, "Krise oder Wachstum? Erklärungsversuche zum Aufkommen territorialer Gesetzgebung am Ausgang des Mittelalters", in *Wirkungen europäischer Rechtskultur. Festschrift für Karl Kroeschell zum 70. Geburtstag*, ed. Gerhard Köbler and Hermann Nehlsen (München, 1997), 1201–1217; Karl Härter, "Entwicklung und Funktion der Policeygesetzgebung des Heiligen Römischen Reiches Deutscher Nation im 16. Jahrhundert", in *Ius Commune* 20 (1993), 61–141.

[2] Thomas Simon, *'Gute Policey'. Ordnungsleitbilder und Zielvorstellungen politischen Handelns in der Frühen Neuzeit* (Frankfurt am Main, 2004), 9ff.

[3] Ibid., 11ff.; Härter, "Entwicklung und Funktion", 118ff.

[4] Dietmar Willoweit, "Die Entwicklung und Verwaltung der spätmittelalterlichen Landesherrschaft", in *Deutsche Verwaltungsgeschichte, Bd. 1: Vom Spätmittelalter bis zum Ende des Reiches*, ed. Kurt Jeserich (Stuttgart, 1983), 109ff.

regulations were adhered to in their local districts and any violations punished in judicial-like proceedings.[5]

At the same time, however, the new legislative function and the initial formation of "administration" meant that the state was extending its reach to a field hitherto very much in the hands of the Church: moral discipline and pastoral care. With the help of the new institutions, the state of the Early Modern period began to regulate and control the moral and religious behavior of its subjects. Unsurprisingly, this was particularly prevalent in the Protestant territories, but the basic pattern was also evident in Catholic territories: religious issues were partially placed in the hands of the state, while the Church was placed under state supervision. These two tendencies are the main theme of the following considerations.

In the language of the day, the new functions of setting laws and sanctioning their violation were labeled "police" ["Policey"]:[6] unlike today, "police" and "policing" here did not refer to an armed law enforcement agency, but designated the domain under the control of the Early Modern state that was not covered by judiciary and defence. The term "policing"—a malapropism of the Latin *politia*—thus addressed those functions usually associated today with "government and administration". The pivotal instrument of action here was legislation—with its help the Early Modern state sought to impose specific organizational structures on society. Legislative acts were regulative instruments designed to counter social developments unacceptable to contemporary ideas of order.[7] This has remained the general idea behind legislation down to the present day. According to this notion, anything can be deemed an object of regulation that threatens to fall into—or already has—a state of disorder, demanding that order be restored.[8] Hence, the objects deemed to require regulation allow us to recognize the prevailing values and notions of order. They give legislation a goal and a direction, and, moreover, they are subject to continuous change, for they are dependent on the collective concepts of morals and order of a specific historical period. The focal

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[5] Carl August Agena, *Der Amtmann im 17. und 18. Jahrhundert. Ein Beitrag zur Geschichte des Richter- und Beamtentums* (Göttingen, 1972); Willoweit,"Entwicklung", 100ff.

[6] On the term "Policey" see Simon, '*Gute Policey*', 111ff. with numerous references.

[7] Thomas Simon, "Recht und Ordnung in der frühen Neuzeit" in *Rechtshistorisches Journal* 13 (1994), 372–392.

[8] For an instructive overview of the single fields, focusing on the example of policing legislation of a single territory, see Karl Härter, *Policey und Strafjustiz in Kurmainz: Gesetzgebung, Normdurchsetzung und Sozialkontrolle im frühneuzeitlichen Territorialstaat* (Frankfurt am Main, 2005), 735ff.

point of state regulation has therefore shifted throughout the centuries. Every period has its own political defects and every period has its own notion of what constitutes a properly functioning and orderly society.[9] In the socio-political language of the Early Modern period, this proper order of society was called the "good policing". It epitomized the well-organized community in which all the political goals are realized which the policing legislation sought to implement.[10]

The political ideas of order in the Early Modern period and the transition they mark are particularly visible in the medium of what might be called "political literature". The main exponent of this political literature is the Mirrors for Princes, a genre that first emerged in the High Middle Ages;[11] later, at the turn into the Modern Age, this genre was joined by the regimen tractates.[12] Both genres comprise tenets for the personal character-building and behavior of princes; besides this primary thrust, they also provide directions for political action. In the Mirrors and the regimen tractates we find the leading political ideas and aspects of order which held sway in the Late Middle Ages and into the sixteenth century. They provided the princes and their councillors with key pointers as to what factors should be considered for ensuring a smooth administration of their territory and which political goals are ultimately the most important.

Upon delving into both sources—the development of legislation and its various emphases on regulation as well as the representation of political goals in the Mirrors and the regimen tractates—it soon becomes clear that the ecclesiastical-religious domain was pinpointed as the main regulatory concern.[13] It was obviously *this* point that particularly preyed on minds in the sixteenth century: the efforts of the Church to permeate society with ecclesiastical-religious imperatives and moral norms and bring the population to strictly observe Christian commandments and lead a moral life, appeared to be having little impact. It seemed that these efforts

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[9] For the fundamental shifts in the notions of what constitutes political order, see Simon, '*Gute Policey*', 4ff.

[10] Ibid., 111.

[11] Hans Hubert Anton, "Fürstenspiegel. Lateinisches Mittelalter", in *Lexikon des Mittelalters*, 4: 1040–1048; Wilhelm Berges, *Die Fürstenspiegel des hohen und späten Mittelalters* (Stuttgart, 1938); on the Early Modern versions of the Mirrors, see foremost Bruno Singer, *Die Fürstenspiegel in Deutschland im Zeitalter des Humanismus und der Reformation* (München, 1981).

[12] Hans Maier, *Die ältere deutsche Staats- und Verwaltungslehre* (München, ²1980), 105; Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland, Bd. 1: Reichspublizistik und Policeywissenschaft 1600–1800* (München, 1988) 345: 'Regierungshandbücher'.

[13] This aspect and the following are explicated in detail in Simon, '*Gute Policey*', 120ff.

simply recoiled against the obdurate nature of people and their bad character. This is in any case how a majority of the intellectual and political elite of the time saw it, and the problem of regulating the population was accordingly dealt with repeatedly in sixteenth-century regimen tractates and Mirrors.[14] The general view was that a new effort was needed to make society pious and respectable. Above all, the consensus was that this renewed effort had to be undertaken by the *state*. Without regulatory and sanctioning intervention by the state, which could flank and supplement the traditional efforts of the Church in sermons and pastoral care, the goal of a God-fearing society observing the Decalogue seemed out of reach.

In the sixteenth century the state indeed launched efforts in this vein, making faith, morality and the whole spectrum of its subjects' religious and moral behavior objects of "policing", which thus meant that these all became the foremost issues addressed by legislation. Swearing, blasphemy, flouting days of religious observance by working or indulging in dubious enjoyments, regular and punctual attendance of religious services, conduct when attending church and during the service, bringing up children religiously—all these aspects, to name but a few areas of regulation,[15] now became the object of secular norms and sanctions which joined the arsenal of Church penance. The common denominator of these matters placed under regulatory control resided in how the state was basically striving to influence the mental and moral sensitivities of its subjects, to stabilize their morality by policing mores and customs, and to strengthen their faith by increasingly taking control of functions which had hitherto been under the purview of Church authorities.[16] In the policing decrees

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[14] For numerous source examples, ibid.

[15] The diversity of issues and areas placed under religious-moral regulation is documented in detail in the 'Repertorium der Policeygesetzgebung im alten Reich'. Here legislation and enforcement regulations are systematically compiled for the Reich as well as individual territories and imperial cities. For more on this, see in particular Härter, *Policey und Strafjustiz*, 735ff.

[16] Dietmar Willoweit, "Allgemeine Merkmale der Verwaltungsorganisation in den Territorien" in *Deutsche Verwaltungsgeschichte, Bd. 1: Vom Spätmittelalter bis zum Ende des Reiches*, ed. Kurt Jeserich et al. (Stuttgart, 1983), 289–383 (366); Gerd Schwerhoff, *Zungen wie Schwerter. Blasphemie in alteuropäischen Gesellschaften 1200–1650* (Konstanz, 2005), 39f.; Meinrad Schaab, "Obrigkeitlicher Calvinismus und Genfer Gemeindemodell. Die Kurpfalz als frühestes reformiertes Territorium im Reich und ihre Einwirkung auf Pfalz-Zweibrücken" in *Territorialstaat und Calvinismus*, ed. Meinrad Schaab (Stuttgart, 1993), 34–86; Paul Münch, *Zucht und Ordnung. Reformierte Kirchenverfassungen im 16. und 17. Jahrhundert* (*Nassau-Dillenburg, Kurpfalz, Hessen-Kassel*) (Stuttgart, 1978); Werner Freitag, "Konfessionelle Kulturen und innere Staatsbildung. Zur Konfessionalisierung in westfälischen Territorien" in *Westfälische Forschungen* 42 (1992), 75–192; Frank Konersmann,

we also see the political deliberations which informed this establishing of norms, novel in terms of its scope and intensity. Unlike modern legislative practice, these policing decrees were explained in detail; at that time establishing laws was still an exception legally, a phenomenon that had to be explained and justified. This was the purpose served by the exhaustive proems regularly introducing laws in the Early Modern period. They convey an impression of the great importance state political circles attached to a law-abiding, God-pleasing moral order. This importance tends to be underestimated when the existential significance is ignored that this element of social order was assigned in the consciousness of the age. The moral disciplining of state subjects was not an end in itself. It was, rather, motivated by a fear of God's wrath; he would unhesitatingly punish, if not annihilate a morally corrupt community—this very real danger was inferred from the Old Testament. Accordingly, political action had to be directed towards exerting a favorable influence on those factors which could imperil the community; the task was to organize and regulate society in such a way that God's commandments were observed.[17]

The topos of an angry God who ravages and punishes a community because of its moral corruption was almost omnipresent in the sixteenth century: the authorities legitimated their politics to an extensive degree "with the wish to avert God's wrath", and this topos also dominated the proems to the policing decrees of the sixteenth century. A blasphemous land attracts nothing less than God's awful wrath and punishment—this is repeatedly the fundamental point made in the proems for enacting policing decrees. "Without doubt", stated the policing decree of Archbishop Sigismund of Magdeburg from 1566[18] in explaining the paramount importance of prohibiting blasphemy, widespread profanity has caused the "wretched outrages of war, beforehand incredible waves of disease, and other troublesome filth, and so the decay of the German Nation". To appease the enraged God the prince must reveal a willingness to punish blasphemers, because, according to the policing decree, "God the All Mighty is not moved to inflict such terrifying worldly and eternal

Kirchenregiment und Kirchenzucht im frühneuzeitlichen Kleinstaat. Studien zu den herrschaftlichen und gesellschaftlichen Grundlagen des Kirchenregiments der Herzöge von Pfalz-Zweibrücken 1410–1793 (Speyer, 1996), 177ff.

17 For greater detail on this and the following, Simon, '*Gute Policey*', 135ff.

18 Landesarchiv Magdeburg—LHA—Rep. A 17 Ia Anhang, Nr. 104. This police decree refers to the Reich police decree of 1530, which set the example for several territorial policing and regional decrees. This Reich decree forbids in the first place blasphemy; see Härter, "Entwicklung und Funktion", 137.

punishments by the acts of blasphemers alone, but also by the authority which is responsible for bridling and yet tolerates this." The regulations which follow also deal in detail with this sinful conduct that can became so dangerous for a land: together with swearing and cursing, blasphemy is thus frequently the first act prohibited in the policing decrees, for it was one of those misdemeanors through which man openly provoked God's wrath and consciously tested his forbearance, endangering a land and its population as a whole. The same motif is to be found in the government tractate of Melchior von Osse, a high-ranking official and advisor to the Electors of Saxony.[19] In his "Political Testament" he shows why the territorial lord is responsible for implementing and enforcing a God-pleasing moral order: once again, the primary concern is to appease God's wrath. Yahweh has, says Osse's urgent warning, "sharpened his sword and drawn his bow", ready to inflict horrific punishment on the whole community, just like once Sodom and Gomorrah, if the "stubborn impertinence and refusal to correct behavior" characteristic of a sinful life "in all "estates of society" are not finally abandoned.[20] Given the imminence of this threat and the continuing obdurateness of the people, it is up to the authorities to do everything in their power to eradicate society of vice—they must "sharpen their sword" and "punish vice and bad habits as appropriate with all earnestness" if they wish to save the people and the land from divine chastisement.[21] This was indeed a problem of existential dimensions, for it was believed that the very survival of society depended on it. Inasmuch, one could compare the importance attached to the moral policing by the state of the Early Modern period with the attempts today to protect the environment; they are related through a shared goal—to preserve the mere possibility of human survival.

The political advisory literature of the Early Modern period, the Mirrors and regimen tractates, also reveal a striking accentuation of establishing moral order in their descriptions of the tasks the authorities need to address. For the Marburg university teacher and jurist Johannes

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[19] For biographical details on Osse, see Oswald Artur Hecker, *Schriften Dr. Melchiors v. Osse. Mit einem Lebensabriss und einem Anhang von Briefen und Akten*, ed. Artur Hecker (Leipzig, 1922), 1ff.; Heinrich Muth, "Melchior von Osse und die deutsche Verfassungsgeschichte" in *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands* 2 (1953), 125–176 (126ff.); Maier, *Verwaltungslehre*, 113ff.

[20] Melchior von Osse, *Politisches Testament, 1555*, ed. Oswald Artur Hecker (Leipzig, 1922), 77.

[21] Ibid., 73.

Eisermann, known as Ferrarius Montanus,[22] author of a widely-known regimen doctrine,[23] the ruling authority has to become the "disciplinarian of the flesh", enforcing a God-pleasing order on the polity. God has, claims Ferrarius, placed the authorities before the people so that they counter the latter's "pertness" and bring about amongst them "a change to a devout and God-fearing people pleading for mercy". For Ferrarius, it is the vice of idleness that needs to be tackled first, because "idleness is the root of all evil". Idleness entices others to do the same, leads to gambling and habitual drunkenness, and "when the credit is used up and the innkeeper wants to be paid, in such a godless state one betakes to stealing, robbing and murdering".[24]

Along with the disciplining and correction of morals, the Church and religious life are also represented as paramount fields of state regulation in the regimen tractates. According to Ferrarius, the prince must "direct his office and instructions towards subjects and relatives becoming pious".[25] The piety of the subjects requires though an efficient and effective organization of pastoral care, which is actually capable of influencing the religious consciousness of the people and moulding it accordingly. The *magistratus christianus* is thus also responsible for the purity of the creed and the preacher's faithfulness to dogma. To ensure this he must see to it "that pulpits and seminaries are in the hands of true shepherds and the pure, proper, unadulterated teaching is practiced and spread at both places". This designation of the task of the *magistratus christianus* is taken from Mirror written by the councilor to the Palatinate Elector, Hartman Hartmannus.[26] All of these new tasks and fields of moral responsibility assigned to the state were covered by the term *cura religionis*, which in essence meant forming the subjects' character in respect of morality.[27] It is any case unmistakable that the moral formation of society is given great importance in sixteenth-century projections of order. When describing the social conditions of their time, the regimen tractates—a political

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[22] For a detailed depiction of his impact, see Brita Eckert, *Der Gedanke des gemeinen Nutzen in der lutherischen Staatslehre des 16. und 17. Jahrhunderts* (Frankfurt/Main, 1975), 12ff.

[23] Johannes Ferrarius, *Von dem Gemeinen Nutze* (Marburg, 1533).

[24] Ibid., 57; numerous other voices from this period are presented and discussed in Simon, '*Gute Policey*', 138ff.

[25] Ferrarius, *Von dem Gemeinen Nutze*, 25.

[26] Hartmann Hartmannus, *Gründtliche, warhaffte, kurze Beschreibung* [...], *wie und welcher gestalt ein Churfürst, Fürst oder Herr sein Regiment Gottseliglichen, Nutzlichen und wol anrichten und bestellen soll* (Heidelberg, 1573), Bl. C 4 r.

[27] Johannes Heckel, *Cura religionis, ius in sacra, ius circa sacra* (Darmstadt, 1962), 7.

and not a spiritual genre it must be remembered—almost exclusively focus on customs and morals. Vice and sin are considered the sources of all social ills; they erode the social fabric, triggering a decay of order, and thus demand that the state introduce laws which act as a corrective. Preventing vice and sin appeared to be the best means to restore the violated order. This view was formulated in a particularly assertive manner in the well-known regimen tractate of the Lübeck city counsel and councilman Johannes Oldendorp.[28] The author pursues the question of which factors are responsible for the decay of a polity.[29] The answer is clear: "reason and cause" of all decay of "good policing" are man's three cardinal vices, faithlessness, avarice and ignorance. For this reason, morals and religion are the decisive factors in restoring political order.[30]

This unambiguous "moralizing" of political thought stands out even more clearly when the sixteenth-century regiment tractates are compared to the scholastic Mirrors for Princes from the Middle Ages. These Mirrors deal with a similar thematic as the regimen tractates: both are concerned with, to use a contemporary term, "political guidelines and principles". But in the Mirrors the *cura religionis* assigned to the secular authority did not have a role comparable to that of the later Early Modern period. The medieval Mirrors were still very much under the influence of the Aristotelian model. Although the scholastics had also assigned the function of establishing and maintaining a moral order to the prince,[31] this did not dominate considerations like it would in sixteenth-century regiment tractates.

The development of policing legislation reflects this shift in emphasis. In the Late Middle Ages the regulations set out for morality and religion were of considerably less importance. While here, too, prohibitions on gaming, adultery and blasphemy were already widespread, there is no mistaking that this field had yet to be assigned the importance that would emerge in the sixteenth century.[32] Furthermore, in the fifteenth century the proems were formulated in a far more neutral tone; they lacked the charged religious-moral indignation characteristic of the sixteenth century, which underlined the prince's responsibility for maintaining moral

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[28] Johannes Oldendorp, *Von Rathschlägen, wie man gute Policey und Ordnung in Stedten und Landen erhalten möge*; for biographical details on Oldendorp, see Erik Wolf, *Große Rechtsdenker der deutschen Geistes-geschichte* (Tübingen, [4]1963), 141ff.

[29] Oldendorp, *Von Rathschlägen*, 47ff.

[30] Ibid., 50f.

[31] Simon, '*Gute Policey*', 44f.

[32] Simon, "Krise".

order, seen as decisive for ensuring the survival and flourishing of society. The proems justify the passing of policing norms in more general terms, for instance to aid the "welfare and improvement" of the territory or other formulations which broadly describe the "good order", i.e. a state of the social and moral order that would be considered trouble-free.

A self-conscious awareness of man's sinfulness, typical for the incipient Early Modern period, is most certainly not present in these proems. This 'mindset' had, though, already impacted on the Late Middle Ages—inflamed not least by the traumatic experience of the plague.[33] The resonance enjoyed by the penitential preachers of this period graphically testifies to this.[34] What was *new* in the sixteenth century was how territorial legislation and politics focused deliberately on this stirred consciousness of sin, which now seemed to make the deployment of *political* instruments imperative. Here a clear time lag is also observable: laws were placed in the service of the fight against sin in *urban* areas first. It is even possible to identify a direct connection between the extraordinary mass impact made by the penitential sermons of a figure such as Johannes Capistran and a spectrum of directly following "purgation measures", which included municipal laws against luxury and revealing clothes.[35] Towards the end of the Middle Ages this urban focus was absorbed into *territorial* legislation and entered into political doctrines.

The passing of control functions from the hands of religious authorities and the concomitant goals pursued by the Church to the territorial state and its objectives come to the fore in this charging of political legitimacy models with religious and moral formulations. In the estates of the realm of the Middle Ages, it was the task of the *clergy* to influence the transcendental factor upon which the fate of the social community depended and to ensure that this factor was merciful and refrained from divine retribution.[36] The Church fulfilled this function in two ways: firstly,

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[33] See Johan Huizinga, *Herbst des Mittelalters. Studien über Lebens- und Geistesformen des 14. und 15. Jahrhunderts in Frankreich und in den Niederlanden*, (Leipzig, [3]1930), 269; and more recently, Arnold Angenendt, *Geschichte der Religiosität im Mittelalter* (Darmstadt, 1997), 71.

[34] Simon, "Krise".

[35] Schwerhoff, *Zungen*, 39f.; Neithard Bulst, "Zum Problem städtischer und territorialer Kleider-, Aufwands- und Luxusgesetzgebung in Deutschland (13.- Mitte 16. Jahrhundert)" in *Renaissance du pouvoir législatif et genèse de l'État*, ed. André Gouron and Albert Rigaudière (Montpellier, 1988), 43ff. with numerous examples.

[36] Seminal for the medieval three estates doctrine are: Otto Gerhard Oexle, "Die funktionale Dreiteilung der Gesellschaft bei Adalbero von Laon. Deutungsschemata der sozialen Wirklichkeit im früheren Mittelalter" in *Ideologie und Herrschaft im Mittelalter*, ed.

perpetual prayer in the isolated space of the cloister, where the spiritual elite, the monks, sought to invoke divine grace through perpetual adoration; the second way was to attempt to morally improve society by taking up the fight against sin. By way of sermons and with a penitential and sanction system, the clergy tried to bring man onto the right path. As an instance of moral guidance, within medieval society the Church thus assumed a control function: not least with its penance practice it enforced a religiously-based catalogue of norms centered on the Decalogue. Long before a corresponding secular legislation was installed, the church set norms specified to guide and shape the conduct of clergy and laypersons alike, inducing conformity to religious values and morals. The overarching goal was to improve people by introducing them to the Christian commandments. This was not only to be achieved by way of preaching, but also by systematically categorizing violations and their corresponding sanctioning. Earlier than in the sphere of secular rule, an apparatus, centrally controllable through laws, arose in the Church, through which the norms to be implemented could trickle into social consciousness and their observance controlled and sanctioned. In terms of exerting control over the social system by setting and implementing norms, the medieval Church represented the functional equivalent of institutional statehood.

This "moral control function" played by the church was passed onto the gradually consolidating territorial state in phases, which by now had begun to make up the institutional advance enjoyed by the Church and place the ecclesiastical institutions under the supervision and control of the territorial state.[37] The secular authority now took over the task of bringing society into line with the Christian commandments, attempting to assert and enforce a God-pleasing moral order through legislation and criminal justice, its own arsenal for imposing sanctions and influencing human action. Naturally enough, such an extension of the domain falling under state control also broadened of course the legitimacy basis of the state. This process is part of what research into the Early Modern period has described as "confessionalization".

Max Kerner (Darmstadt, 1982), 421–447; Otto Gerhard Oexle, "Tria genera hominum. Zur Geschichte eines Deutungsschemas der sozialen Wirklichkeit in Antike und Mittelalter" in *Institutionen, Kultur und Gesellschaft im Mittelalter. Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag*, ed. Lutz Fenske, Werner Rösener and Thomas Zotz (Sigmaringen, 1984), 483–500; Georges Duby, *Les trois ordres ou l'imaginaire du féodalisme* (Paris, 1978) English trans. by Arthur Goldhammer, The *Three Orders*: *Feudal Society Imagined* (Chicago, 1980).

[37] Simon, "Krise", 1206f.

Two interpretative possibilities seem credible to explain this process. Firstly, one could consider this transition from "moral controlling function" and the opening of a new field of state order covering the *cura religionis* to result from deficiencies in the hitherto Church authority. The capability of the Church to establish the divine commandments and regulations and morally improve society was seen with increasing scepticism in the Late Middle Ages. The public perception of the Church had become meanwhile tarnished; the real practice pursued by the Church, including lower clergy, diverged greatly from the normative standards the Church itself proclaimed to represent and propagate. The authority of the Church seemed to have become fragile; its ability to effectively influence society morally seemed—at least in the eyes of contemporaries—to be on the wane.

Secondly, it seems feasible to assume that what was ultimately making its presence felt here was a new kind of pessimism emphasizing and focusing on the main wicked, sinful traits of human character. This view meant that the moral goal of order, to namely have people submit fully to religious commandments, seemed to be an objective which would be exceptionally difficult to attain politically. Standing in the way of this goal, according to the fears of the Reformation age, was the sinful, obdurate nature of man. Such a nature seemed to make a tightening of controls and greater coercion to be absolutely necessary: "Honestum in vulgo nihil nisi coactum"—justifying the Duke of Kleve's issuance of decrees in the mid-fifteenth century which prohibited blasphemy, gambling and drinking.[38] The natural urge of man to sin increases awareness of the need of counter measures, supposed to protect the moral order from its complete and utter decay. Considered from a radicalized standpoint, the intensity of moral formation of society undertaken by the Church no longer sufficed as a means to make humanity pious, God-fearing and obedient to the degree considered necessary. Activities contributing to the establishment of a moral order have to be intensified;[39] this occurred by placing moral

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[38] Wilhelm Janssen, "'na gesetze unser Lande…'. Zur territorialen Gesetzgebung im späten Mittelalter", in *Der Staat* (1984), 7: 16f.

[39] This line of argumentation is visible in Osse's considerations; he obviously sees the scope for influencing the people through sermons alone as too meagre to dissuade man from vice and sin: incessantly, Osse complains, "many God-fearing men scream from the pulpit, warn to repent and improve". But "who changes their ways because of it? Who stops indulging in vice?" On the contrary: repentance and improvement fail to materialize because it is no longer possible to influence man through words alone, to control and guide them through the Church's conjuring of the torments of hell and its system of

control under state and local authority. Connected to this is the genesis of novel institutions for fostering and controlling mores and customs; above all, state criminal justice is now geared towards serving moral discipline.[40] This is another aspect of the often-observed "Christianization" and "sacralization" of society at the conclusion of the Middle Ages.[41]

repentance. For this reason the territorial state must intervene with the sword of criminal justice and corresponding legislation. This pattern of argumentation is also evident in the proem to the Heidelberg policing decrees from 1465 (Repertorium der Policeyordnungen, Bd. 3.1, 47, Ziff. 19): "The spiritual punishment" has hitherto "caught none at all".

[40] On the religiously woven legitimacy model as well as the authoritarian criminal justice, see above all Helga Schnabel-Schüle, *Überwachen und Strafen im Territorialstaat. Bedingungen und Auswirkungen des Systems strafrechtlicher Sanktionen im frühneuzeitlichen Württemberg* (Köln, 1997), 198ff. and Heinz Schilling, "Geschichte der Sünde oder Geschichte des Verbrechens? Überlegungen zur Gesellschaftsgeschichte der frühneuzeitlichen Kirchenzucht" in *Jahrbuch des italienisch-deutschen historischen Instituts in Trient* 12 (1986), 169–192 (177ff.)

[41] Peter Blickle, "Die Reformation vor dem Hintergrund von Kommunalisierung und Christianisierung" in *Kommunalisierung und Christianisierung. Voraussetzungen und Folgen der Reformation 1400–1600*, ed. Peter Blickle and Johannes Kunisch (Zeitschrift für historische Forschung, Beiheft 9) (Berlin, 1989), 9–28 (18ff.); Ronnie Po-chia Hsia, "Die Sakralisierung der Gesellschaft: Blutfrömmigkeit und Verehrung der Heiligen Familie vor der Reformation" in *Kommunalisierung und Christianisierung. Voraussetzungen und Folgen der Reformation 1400–1600*, ed. Peter Blickle and Johannes Kunisch (Zeitschrift für historische Forschung, Beiheft 9) (Berlin, 1989), 57–75.

BEHOLDING SAINT CHRISTOPHER: A CONTRAST TO THE BELIEF IN DEATH

Hermann Hold

1. *Dying is not an illness that must be fought against, not a failure, a defeat but a consummation of life. The time of dying is also a time of living.*[1]

"... the time of dying, the time in which we end our life, is often seen only as a lost struggle. Perhaps in the hospice we learn that sometimes change, maturation, consummation can also take place in the time of dying, sometimes an important encounter, an inner look back on one's own life, sometimes a mustering of all one's vital forces."[2] This is how Daniela Tausch-Flammer characterizes the work of a hospice in Stuttgart: intentions are remarked which are directed against an understanding of dying as a "lost struggle". Of course it is also possible here to pose the question of whether there is not an internal connection between an understanding of dying as the ending of life and such a "lost struggle", or more precisely: is it not indeed a consequence of our modern understanding of death that dying is comprehended as a dying *away* (*Ab-Sterben*)? Does our understanding of death have such a normative effect that the time of dying—as is claimed above—can only "sometimes" be lived as a time of life? Should this be the case, then we need—if a genuine culture of dying is to be developed—to fundamentally change the understanding of death that has emerged and become dominant in the modern age (as is also recognizable in the quotes above).[3] Such a reorientation is necessary when one—as formulated by Johann-Christoph Student—sets as a

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[1] Daniela Tausch-Flammer, " 'Leben in einen würdevollen Tod begleiten'—Die Arbeit des Hospizes Stuttgart", in *Das Hospiz-Buch* (Freiburg i.Br., ^{4}1999), 78.

[2] Ibid., 78–79.

[3] Helmut Hoping formulates a "philosophical-theological critique of notions of natural death" in "Die Negativität des Todes. Zur philosphisch-theologischen Kritik der Vorstellung vom natürlichen Tod", *Theologie und Glaube* 86 (1996), 296–312: "The incarnate love of God has transformed death because it took away its unendurable horror of being a definitive, irrevocable end."

"worthwhile goal" to "give people the possibility of becoming whole/holy again, precisely when dying."[4]

This "becoming whole/holy" (*Heil-Werden*) in dying could—so the hope accompanying this study—draw concrete inspiration by borrowing from the beholding of Saint Christopher[5] as practiced in the Middle Ages.

1.1 *The Practical Relevance of Exploring the Theme: The Development of a Culture of Dying Wished For By a Segment of the Population*[6]

In his *Jedem seinen eigenen Tod*, Paul M. Zulehner appeals for the "freedom of dying" and gives an important clue in this direction in the section entitled *Ars moriendi*: "Spiritual people . . .would not only say that we are 'surrounded by death in the middle of life'. This statement can also turn them around in a liberating sense: 'In the middle of death we are surrounded by life.' They prepare for dying at the end of their lives by already immersing so deeply in God whilst in the middle of their lives that they feel held by God as the night of death falls."[7]

1.2 *The Impossibility of a Culture of Dying As the Implication of a Terminal Disposition of Life*

Admittedly the question is whether abandonment by God is, after all, experienced in death—despite (or because) of an intensive nearness of God in life. More precisely: is it not so that a belief in death (*Todes-Gläubigkeit*), which—as observable in the Late Medieval period—confers death divine attributes,[8] implies an understanding of dying as an 'approaching-the-

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[4] Johann-Christoph Student, "Trennen und zusammenfügen—persönliche Erfahrungen auf dem Weg zur Hospizarbeit", in *Das Hospiz-Buch* (Freiburg i.Br., [4]1999), 20.

[5] It is relevant in this context to point out that the Cicely Saunders Hospice was named after Saint Christopher. See Johann-Christoph Student, "Was ist ein Hospiz", 21.

[6] Surveys reveal that one segment of the population "(wishes) to die in full consciousness, while the others tend to repress it." See Paul M. Zulehner, *Jedem seinen eigenen Tod. Für die Freiheit des Sterbens* (Ostfildern, 2001), 24 and 25: "For the last ten years up until 2001 it is observable that more people do not passively suffer dying but wish to consciously consummate it (increase of 11%)." It needs to be asked what the relationship is between the goal "to alleviate . . . psychic, social and spiritual problems", as formulated by the university course *Palliative Care* at the Paracelsus Medizinischen Privatuniversität (PMU) (see http://www.hospiz.at; questionnaire 16.8.07), with the goal of developing a culture of dying.

[7] Zulehner, *Jedem seinen eigenen Tod*, 44.

[8] Hermann Hold, "'Gern zu sterben' (Geiler von Kaysersberg)!? Ermöglicht die Überwindung neuzeitlich-säkularer Todes-Mentalität der christlichen Kultur Europas die Entwicklng eines Sterbe-Rituals?" in *Tod und Ritual. Interkulturelle Perspektiven zwischen Tradition und Moderne*, eds. Birgit Heller and Franz Winter (Vienna, 2007), 118–123.

end'?[9] Under these conditions it seems 'best' to accept death or lend it a meaning: as Christoph Niemand[10] has shown, it seems that even Jesus never managed to go beyond this. However, this is not enough to be able to set off for the 'other' that is the afterlife.

And: the power of death prevents dying in the sense of being able to let go: "Death appears to plunge humans into an absolutely final absurdity. As long as we live, humans search for realized meanings. It seems that in death these have arrived at their definitive end. What is more: just like love and hate, justice and injustice, murderers and victims, in their qualitative distinctiveness meaning and nonsense are erased in an equalizing 'it's over'. . . . All these death phenomena are condensed in the fear that in death human existence dissolves into nothingness".[11] For our theme this means that fear of death does not tolerate dying; at best, it comes to a perishing.

1.3 *Religious Implications of the Terminal Disposition*

But in the Church, there is/was an accompanying of death, an *ars moriendi*: this art aimed at a leave-taking on the one hand, and a setting-off on the other. Dying so contoured as an event of radical change can only then take place when the understanding of God and the consciousness of death are not in associative contiguity, when, for example, it is not believed that

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[9] Rilke hints at this connection: "Are we only sex / and wombs of women who grant too much?—/We have whored with eternity, / and when the bed of labour has arrived, / we give birth to our death's dead miscarriage". See Rainer Maria Rilke, *Das Stundenbuch. 3. Buch: Das Buch von der Armut und vom Tode (1903)* (Leipzig, 1936), 87–88.

[10] Niemand assumes that "on the level of factual events Jesus no longer (counted) on being freed . . . And Jesus embraced the violent path to death, assessed to be factually unavoidable, as an indispensable part of the theonom of the basileia and adopted it pro-existence as *his* path to death!" Christoph Niemand, *Jesus und sein Weg zum Kreuz. Ein historisch-rekonstruktives und theologisches Modellbild* (Stuttgart, 2007), 497. "And one can therefore say: *historically* it is most plausible to assume that Jesus . . . did indeed die with the attitude he had already taken on before. But that this dying entailed a contesting of death that was outwardly apparent and saturated with fear, need not be ruled out." (ibid., 503). The question is, though, is whether an interpretive frame, 'self-obvious' for the present and carried by a radically effective understanding of death, is put into practice here. But: was this Jesus of Nazareth's understanding of death? This—admittedly not only to be found in Niemand—radical understanding of death could a secularized form of "unnatural death—death as result of sin". See Gisbert Greshake "Tod. Systematisch-theologisch", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., ^{3}1993–2001), 10:73–74: "sin" would be rendered no longer applicable in this process of secularization. See also Hermann Hold, "Gern zu sterben", 117–118.

[11] Georg Scherer, "Tod. Philosophisch-anthropologisch", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., ^{3}1993–2001), 10: 67.

'it is God who has sent death'. Should the aim be—with Zulehner—to initiate a 'liberating turn' that is more than a mere plea and takes place on the factual level, the connotation between 'death' and 'God' needs to be broken. Instead, it appears to be preferable to develop a culture of dying which associates God and dying.[12]

1.4 *The Possibility of Mastering Death By "Duping" Personified Death By Infinitely Striving For the Infinite*

In the sense of realizing the aforementioned plea for "the freedom of dying", a specific hypothesis needs to be critically queried: "the personification of death" which makes an active figure out of the failure of vital forces, a figure one can grapple with, enabling a spiritual coming-to-terms with the death experience.[13] As evidence of this hypothesis, Hellmut Rosenfeld puts forward how "the hero Hercules dupes [death] on the open stage in Euripides' Alcestis".[14] What needs to be noted here, however, is that it is a *heros* who successfully engages death. Accordingly, the question remains whether ordinary mortals can really deal better with a personified death, or if not understanding it as an 'active figure' means that the process of dying comes totally under the domain of fear.[15]

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[12] Both the dissolution of the connotation 'death-God' as well as the acceptance of dying can be disclosed as having a Biblical-theological basis by pursuing Gisbert Greshake's lead. See Greshake, "Tod. Systematisch-theologisch", 73: "When the teaching authority and theology … speak of a paradisiacal original state in which man possessed the 'pre-natural' gift of immortality … this does not necessarily mean that 'in paradise' the law of becoming and passing inscribed in evolution was somehow miraculously dispensed with. Rather, the pointed sense of such statements is the conviction that the … dark, destructive, absurd character of death does not originate from God's plan of creation."

For the connection between "dying" and "God", see Gisbert Greshake "Erlöster' Tod—Der Tod Christi und der Christen", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., ^{3}1993–2001), 10: 74–75: "death … is now the place of resurrection—not only for Jesus Christ. In this way death is liberated from the final darkness and hopelessness" (Ibid., 74): would it not be more adequate to speak of "dying" here instead of "death"?

[13] Hellmut Rosenfeld, "Tod (Personifikation)", in *Wörterbuch der Symbolik*, ed. Manfred Lurker (Stuttgart, ^{5}1991), 756.

[14] Ibid., 756.

[15] Hypotheses in this direction may be formed by taking Ludwig XI as an example: "Fear of death accompanied Ludwig XI his whole life. Commenting on an incident during his last illness, Commynes came to the conclusion: 'No person feared death as much as he did and no person undertook as much in the belief to be able to avert it.' And he continues: 'At all times during his life he asked his servants and myself to, whenever he found himself in this distressing situation, not say a word about it, but only persuade him to go to confession without saying aloud in his presence the horrific word 'death'; it seemed to him that he did not have the courage to hear such a terrible judgment.' As we will shortly see, Ludwig XI did indeed go to exceptional lengths to evade death. It is striking that he never

1.5 *The Culture of Dying As a Culture of Transition*

In any case, what Klaus Schreiner formulated at the conclusion of his study of the "art of dying" in the mirror of medieval creation of legends holds true: "Heroism, which as far as dying is concerned needs neither God nor humans, was alien to the Christians of the Middle Ages. To be forsaken by God and friends in the final moments contradicted their ideas of a good way to die. Mary had given an example"[16] for the *transitus* in which—as articulated liturgically—"vita mutatur, non tollitur". In such a transition—formulated from the perspective of the Saint Christopher legend—man becomes the bearer of Christ. Attention shall be therefore paid to this figure in the second part of this study.

1.6 *Dismantling the Barriers Impeding the Development of a Culture of Dying By Dissolving the Mentality of a "God of Death"*

The aforementioned fear of death can even become more hopeless when death is given divine features, for example when death is characterized as being omnipotent-omnipresent, or this characterization is believed in.[17] Such a development emerges—above all from the micro-aspect of a history of everyday life[18]—when we investigate the threshold Late Medieval/Early Modern periods. More precisely: those normative impositions on life are to be considered whereby dying is subsumed under death, enabling a mentality of a "God of Death" to turn into a life-destroying factor.

The intention to be pursued by this insight into how this connotation is in fact a construct is to dissolve the currently virulent mentality of a "God of Death".

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drew up a last will and testament. Commynes does not judge this attitude, or at least not directly. Something like disapproval of this moral decay only shimmers through indirectly, for instance when it is related that after the second seizure this 'living-dead' man dressed in exquisite fabrics and furs for the first time in his life." See Werner Paravicini, "Sterben und Tod Ludwigs XI.", in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ^{2}1995), 78.

[16] Klaus Schreiner, "Der Tod Marias als Inbegriff christlichen Sterbens" in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ^{2}1995), 302.

[17] To be set apart from this is the positing of death as a "predicate" of God. It is rooted in how "God's son makes the death of the sinner his own and dies this death in a final, despairing trust in the father" (Greshake, "Tod", 74).

[18] Hermann Hold, "'Alltagsgeschichte'—ihre Relevanz im Rahmen der Kirchengeschichte", in *Impulse für eine religiöse Alltagsgeschiche*, ed. Rupert Klieber and Hermann Hold (Wien, 2005), 225–241.

2. *Factors For Placing Life Under the Dictate of the Terminal in the Late Medieval and Early Modern Periods*

2.1 *"Death Gains Concrete Contours First in the Course of the Thirteenth Century" (Mühling)*[19]

Mühling has pointed out that "giving death a visible form was avoided in Christian art. . . . Solely in a few manuscripts from the eleventh century in the context of an exegetic allegory does personified death emerge, so for example in the Uta manuscript (around 1020) or in the Psalter Cotton Tiberius C. VI (around 1050)."[20]

2.2 *Personalization of the concept of death through the intentional ending by suicide or the killing of another person?*

"But these examples are the exception. Limited to the literary form, in the artistic field the personification of death as theme is taken up much later. An early example of this, pointed out by Valentino Pace,[21] is the sculpture of a woman, symbolising death, committing suicide on a column (dated after 1157; in the cloister St. George-de-Boscherville in Normandy)."[22] In my view this early example indicates that the roots of the personification of death could lie in the individual death wish. Another source could represent the intended death of another person/an enemy;[23] this is the hypothesis to be examined in the following.

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[19] Markus Mühling, "Vom Leichnam zum Leben. Todesdarstellungen im Spätmittelalter", *Informationes theologiae Europae. Internationales ökumenisches Jahrbuch für Theologie* 12 (2003), 161. Whether this change of the understanding of death is a change in the sense meant by Patschovsky, who sees in the "grappling with death . . . an anthropological constant", whereby he adds that "the answers to the question what death actually is vary" or here where the roots of our modern understanding of death are to be found, need not be decided on. What is far more crucial is to heed Patschovsky's warning against "an idealization of older societies": the present study seeks to do so by pointing out the power exerted over consciousness when death is attributed personal traits and grasped as a person. See Alexander Patschovsky, "Tod im Mittelalter. Eine Einführung", in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ^{2}1995), 9.

[20] Mühling, "Vom Leichnam zum Leben", 164.

[21] Valentino Pace, " 'Dalla morte assente alle morte presente': Zur bildlichen Vergegenwärtigung des Todes im Mittelalter", in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ^{2}1995), 335–376.

[22] Mühling, "Vom Leichnam zum Leben", 164.

[23] The state into which those still alive are brought is described so: "und gobent die andern in den tot" (from a trial held after the siege of a castle in 1333: quoted from Norbert Ohler, *Sterben und Tod im Mittelalter* (Düsseldorf, 2004), 240.

2.3 *Perceptions of Death As a Power Terminating Life*

"Upon entering the thirteenth century a new tone is discernible as to the interpretation of death within Christian art. Death is no longer a power to be ignored, vanquished by Christ once and for all. It now appears in the performing arts as the violent factor which goes hand in hand with fear and terror."[24] What could explain this shift?

2.4 *In (chivalrous) combat?*

A well-known example of the pleasure felt in killing is Betran de Born, the "troubadour, warhorse and intriguer" born around 1140 who goes into raptures whenever in battle "the great and small from both sides of the ditches fall into the grass, when I finally see the dead . . ."[25] He—or anyone else—has no need to speak of death as a person if they understand death as something honorable. This is emphasized by Ohler: "Whoever reached for their weapon had learnt from their youth onwards to overcome the natural fear of injury and death; intimately familiar with and fully committed to ideals like courage and loyalty. Epics, songs, stories have presented him as an exemplary person who would rather die 'honorably' than be accused of cowardice."[26] Death appears here to be both overcome individually as well as enabling fame in posterity. What needs to be added here are the conclusions drawn by Alois Haas in his study on "sacred heroic death": "The Christian heroic epic . . . allows the afterlife to reach meaningfully into the ruthlessness and *acerbitas mortis* of combative events, so that retarding moments and thus monumentality are inscribed in dying. The meaning of dying understood in the Christian sense is first revealed in it being frustrated: *dying alive!* The stylization, even ritualization continues on in this vein, because the hero develops reflexes in a domain that is otherworldly. The religious imposes itself: before death the hero is worried not only about the fate of those entrusted to him, but also and above all his own fate in the afterlife, his life with God, to whom he entrusts himself in death and gives back in the hope of inheriting heaven already open for him."[27]

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[24] Mühling, "Vom Leichnam zum Leben", 164.
[25] Quoted from Ohler, *Sterben und Tod im Mittelalter* (Düsseldorf, 2004), 236.
[26] Ibid., 235.
[27] Alois Haas, "Der geistliche Heldentod", in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ^{2}1995), 186.

2.5 *In Holy War?*

There also seems to be no personalization of death oriented on human volition in the argumentation for holy war: "Emerging along with the idealization of dying is the justification of killing in the 'just war' and the crusades."[28] With the caveat that *Deus lo vult*,[29] God is however connected with killing.

2.6 *Fateful Appearance of Death*

Death as a fateful power is a perception to be found upon the outbreak of the plague, about which Ohler writes: "Testimonies from the years 1348 to 1350 convey the impression that contemporaries experienced the kind of dying, the number of victims and the impact upon society as something outrageously new. The plague stamped its authority on the mind of man all the more indelibly as it flared up in 'waves' ever since the mid-fourteenth century and wiped out millions."[30]

3. *Lessons Drawn From Observing*

3.1 *How Omnipotent Death Is Dealt With*

"Human behavior when faced with the horrors of this suddenly infesting epidemic may be demonstrated through characteristic examples: egoism and flight to an ideal world in the work of Boccaccio; burning of scapegoats in Strasbourg and other cities, theatrical acts of repentance performed by flagellants."[31] The connection between death and sin is recognizable here; belief in an omnipresent "God of Death" correlates with an ego that is withdrawn in itself, aggressive to others and itself. Moreover, "attempts in 'death dances' to capture the horror of the enormous dying in words and images are followed by the passionate denunciation of death as the enemy of humans in the 'Grim Reaper'",[32] thereby rationalizing accusatory communication.

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[28] Ohler, *Sterben und Tod im Mittelalter*, 235.
[29] Hans Eberhard Mayer, *Geschichte der Kreuzzüge* (Stuttgart, ^{5}1980), 16.
[30] Ohler, *Sterben und Tod im Mittelalter*, 249.
[31] Ibid., 249.
[32] Ibid., 249.

3.2 *A Fissure in the Traditional Familiarity With Death—Disquiet: Exploited By Moralists* (*Ariès*)

Philippe Ariès writes in his Study on Death: "And moralists, clergymen and friars exploited the fissure in the traditional familiarity with death in order to establish their own position and to take advantage of the new disquiet [which is evoked by a consciousness of death—comment added by the author] for the promotion of conversions."[33]

Questions follow this assertion: self-assertion may have been a wish that played a role amongst so many, but the question the historian (and the theorist of power) is interested in is that of the power to create and organize inherent to this drive for recognition.

This allows the following hypothesis to be formulated, albeit briefly: there is a correlation between a receding or disappearing culture of dying and a rise in the consciousness of death, which is now no longer restricted solely to the moment of death. In this process of positing death as omnipresent (see for instance the dances of death in which death even fetches the infant), the instances of the Church named by Ariès play a decisive role—and thus enhance their own authority and influence. Gaining greater authority and raising consciousness of death go hand in hand.

3.3 *Emphasizing the Omnipresence of Death As a Means to Establish Norms*

This hypothesis will now be examined by reinterpreting Ariès' remarks on the "devaluation of the *hora mortis*". Reference to Bellarmin and his admonishment that even old men want to know nothing about repenting or that they—even when close to death—think about it least of all reveals a normative tendency, one that springs from an educative-moralizing intent. Correlated to this is the generalization of the consciousness of death. Always and everywhere—so Bellarmin—people should be concerned with their future in the afterlife—they should thus not "wait for the moment in which they are no longer masters of their situation".[34] Dying is thus not conferred a repentant value. Instead, the understanding of death is generalized in such a way that it becomes linked to an extremely broad concept of 'nature'.[35] The same line of thinking is evident in Rilke's verse:

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[33] Philippe Ariès, *Geschichte des Todes* (München, [9]1999), 382.

[34] Ibid., 383–384.

[35] This is evident for instance in a remark made by the English Puritan Thomas Becon from 1561, the author of *The Mannes Salve*: "It is naturally to dye, why then labour we to degenerate und growe out of kind?" quoted in Ariès, *Geschichte des Todes*, 383–384.

"For we are just the husk and the leaf. / The great death that each has in himself, / That is the fruit, around which all revolves."[36]

With a death-threat set as omnipresent, the attempt was undertaken to impose norms on life. As developments in the Late Medieval period show, this awareness of death correlated to greater authority, an increase in its scope that, however, was distinct from *auctoritas* in its true sense:[37] "The plague intensified dissatisfaction with the Church at a time when people had an enormous need for spiritual succour. After 1350 religiosity was deeper than before, but at the same time there was greater animosity towards the Church and its official members. The reputation of the Church was shaken and it emerged from the plague more unpopular but wealthier, for many of those struck down by the pest, gripped by fear of sudden and imminent death, bequeathed their property and possessions to the Church."[38]

For other experiences with this normative tendency we may turn to Peter Sloterdijk's *Critique of Cynical Reason*[39] and the reaction of a young woman from the Late Medieval period, who only listens to and heeds the priest and his admonishments to stay chaste for as long as she is promised a mirror. But the priest holds out a skull instead, and while initially shocked and frightened she gives herself to her suitor the very same night. Fear of death can be fled from—but not in the direction desired by priestly authority.[40]

Correlated with this tendency towards the normative, which wishes to see the fear of death extend its reach across the whole of life, is a devaluation of the culture of dying. This is the thrust of Bellarmin's criticism that "human beings dedicate too much time to their trials, to their property

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[36] Rainer Maria Rilke, *Das Stundenbuch. 3. Buch: Das Buch von der Armut und vom Tode*, 86.

[37] For 'auctoritas', see Hermann Hold, "Autoritative Rhetorik. Eine Untersuchung an Arengen in Schreiben des Avignonenser Papsttums", *Archivum historiae pontificiae* 40 (2002), 175–197.

[38] Marianne Mischke, *Der Umgang mit dem Tod. Vom Wandel in der abendländischen Geschichte* (Berlin, 1996), 69.

[39] Peter Sloterdijk, *Kritik der zynischen Vernunft* (Frankfurt/Main, 1983), 2: 517.

[40] "With this the belief in the afterlife cherished by religions is replaced by industrial society's belief in this worldly life. The trinity of boundless production, absolute freedom and unlimited happiness forms the core of the new faith in progress. This replanting of life in the worldly is the source for the lust for life, the hedonism and egoism of contemporary man, the cult of health, trust in medicine, striving for lasting youthfulness, the expectation of an undisturbed, safe and secure long life free of suffering, and the hope for a sudden death, free of pain and suffering." Mischke, *Der Umgang mit dem Tod*, 125.

and their business".[41] One can—with Bellarmin—join this criticism and discover in it nothing but barbarism. In the Late Medieval *ars moriendi*, however, such a taking care of circumstances, and tied to it a process of detachment, is very much considered to be a characteristic of felicitous dying.[42]

3.4 *Implications of Death's Omnipresence For the Conception of God*

For theologians it is eminently important to clarify how personified death ties in with God: studies exploring God's wrath seem to provide the most promising inlet to this question. Foremost amongst these studies is Alex Stock's "Dies irae", and, most crucially here, the reference to: *Mors stupebit et natura, / Cum resurget creatura, / Judicanti responsura*, which Stock comments on as follows: "Freedom understood as responsibility in the universe of world history constitutes a relationship to the creator of the world that does not accept death as the final instance."[43] Here death is still ultimately in God's hands—and accordingly it is a dying that is at least not definitively overshadowed by death / fear of death and is therefore a passage from this world to the afterlife trusting[44] in the grace imparted at the Last Judgment.

Around 1400 an understanding of God emerges whereby God is still the deistic-principal master over life and death, but has already ceded rule over some areas to death. As is known, in the *Ploughman from Bohemia*, death's mastery over the body is exclusive.[45] The poem demonstrates how out of a trust in God and its associated belief in God a respect of death arises: God shows himself to be ultimately weak vis-à-vis death deistically; one cannot trust him as far as avoiding death is concerned. In summary: God has lost mastery over life to death, clearly demonstrated by the mass dying caused by the plague from the mid-fourteenth century onwards, and nobody can be sure of escaping the Grim Reaper.

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41 Ariès, *Geschichte des Todes*, 384.

42 See Rudolf, *Ars Moriendi*, 11.

43 Alex Stock, " 'Dies irae'. Zu einer mittelalterlichen Sequenz", in *Ende und Vollendung. Eschatologische Perspektiven im Mittelalter*, ed. Jan A. Aertsen and Martin Pickavé (Berlin and New York, 2002), 286.

44 For more, see Stock, "Dies irae", 288–290.

45 Johannes von Tepl, *Der Ackermann und der Tod*, ed. Felix Genzmer and Wolfgang Mieder (Stuttgart, 1984).

3.5 *Emphasizing Death Prevents Religiously-Oriented Dying*

When we distil the synoptic experiences from the above, a conceptual differentiation between the process of dying and what is meant by "death" seems helpful.[46] In terms of Ariès' studies, this means that "throughout the Middle Ages, to the real death an increasing importance was given",[47] a splitting into a detected personalization of death on the one hand, and an observation of a weakening of the culture of dying (in connection with the re-emergence of the plague in the mid-fourteenth century) on the other. The consequence to be drawn is that Ariès needs to be reformulated: instead of death no longer pointing the way, it needs to be stated that death is present always and everywhere, and dying (and here for example the weakening) is less embraced and accordingly neither worked through nor crafted.

3.6 *The So-Called Transient Sermon/the 'Sermon of the Dead'*

Set apart from this are the experiences with the so-called transitory sermon, referred to in the scene of an encounter between the living and the dead in the cathedral of Atri:[48] "The skeletons face the three splendidly clothed courtiers who are seized by fright. This dramatic confrontation reaches its climax in a maxim barely comprehensible today, '*Quod sumus, hoc eritis*' ".[49] Focusing on this maxim calls into question Pace's interpretation: "In Atri death is dramatically symbolized through three skeletons."[50] Rather: following Wimmer in his determining the characteristics of the theme, also widespread in literature, it needs to be taken as "an allegory of the transient".[51]

Significant for our inquiry into the intentions pursued by the sermon of the transient is the tenor of the warning issued by the dead, namely to lead a life pleasing to God.[52] Wherein this resides is made clear by the

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[46] If what Rainer Maria Rilke wishes in his *Stundenbuch* (*Das Buch von der Armut und vom Tode*) as "the dying that proceeds from each of our lives, the way we loved, the meaning we made, our need" is to be realized, then a differentiation of the attendant introduction to the poem is needed: "God give us each our own death". A belief in God as formulated here as a giver of death is incompatible with the dying Rilke wishes.

[47] Ariès, *Geschichte des Todes*, 381.

[48] Mühling, *Vom Leichnam zum Leben*, 165–166.

[49] Ibid., 166.

[50] Pace, "Dalla morte assente alle morte presente", 373.

[51] Erich Wimmer, "Die drei Lebenden und die drei Toten", in *Die deutsche Literatur des Mittelalters. Verfasserlexikon*, ed. Kurt Ruh (Berlin and New York, 1980) 2: 226.

[52] Ibid., 226.

following observation: "Two skeletal figures not standing quite upright, crouched into a squatting posture, cover with their bony hands their non-existent genitals."[53] But where is the third skeleton? It is "represented lying in a coffin".[54] Thus: "mortification" is the task.

Differentiating from the observation made above on the death-threat, it is not death but the dead who are to be present in the living. This begs the question of whether the labeling as a thematic of the transient needs to be reconsidered by pointing out that the didactic moment of this narrative/scene lies in the living taking their orientation from the dead: the living should—like the dead—no longer succumb to the temptations of this world.[55]

The issue here is thus a normative standard for the living through the dead, not through death.

4. *Christian Handling of Dangers to Life*

4.1 *The Art of Dying as a Theme in Pictorial Representations and Legends*

For the purpose of achieving an overall picture, the thesis that the reflection on an omnipotent death stands diametrically opposed to the belief in the Creator needs to be complemented by pointing out that in promulgating the art of dying to broader circles—as it were instead of this terminal disposition—efforts were made to formulate a Christian way of handling the dangers of life (not those of death) or a Christian arrangement of the passage into the otherworldly afterlife.

Here it is worth recalling the characteristics of the "dying rite" as related by Mischke: "Dying was a public ceremony consciously instigated by the person dying, the last and most solemn of their lives, and many aspects of its course were determined by the dying person. If they ever disregarded

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53 Mühling, *Vom Leichnam zum Leben*, 165–166.

54 Ibid., 166.

55 Sustained by this mentality are the notes made by Orderic Vitalis on the funeral ceremonies for William the Conqueror. Patschovsky summarizes them so: "That . . . the heroes of this Church history ends in chaos and rot—in this grandiose contrast lies Orderic's message. Once this is recognized, it becomes clear how the catastrophic course of events at William's funeral is to be interpreted. The level from which this is conceived is not that of contingent reality . . . but the metaphysical level of the higher truth of God's work—as felt by Orderic and how he wanted to convey it to his readers." Patschovsky, "Tod im Mittelalter", 16.

or distorted the prescribed course, then it was the task of those present, the priest or the physician to remind them of the Christian way."[56]

The prominent background for such a dying rite is provided by understandings evident in the "dormition"[57] or Death of the Virgin.[58] Here the focus is not on what is meant today by "death", the end of life, but the "transitus".[59] As Schreiner puts it, the "reports and pictorial representations of the Virgin Mary's death" represent "instructions on how to die correctly", "normative expectations".

4.2 *Transitus and Saint Christopher*

Moreover, the efforts made to furnish a Christian transition are clearly discernible in the version of the idea associated with Saint Christopher in the *Legenda Aurea*.[60]

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[56] Mischke, *Umgang mit dem Tod*, 41.

[57] "In German one speaks of 'Marientod' or 'Tod Mariae', in Latin and French though simply of *dormitio* and *La dormition* respectively". Ohler, *Sterben und Tod im Mittelalter*, 78. Ohler reveals his awareness of this distinction when he remarks: "As one falls asleep certain to awake again after a period of rest, restored in body and mind, so shall the dying person exit in the expectation to be raised to a new, eternal life with the resurrection of the dead after a limited time." (Ibid., 79).

[58] That here an interpretative schema cleaved to the present is evident is underlined by Klaus Schreiner ("Der Tod Marias als Inbegriff christlichen Sterbens" in *Tod im Mittelalter*, eds. Arno Borst et al. (Konstanz, ²1995), 261–312 when he repeatedly calls on quotes which speak of "ransitus Mariae".

[59] For instance in the "Perikopenbuch Kaiser Heinrichs II", which through the positioning of the image for the reading to the Assumption of Mary shows that the transition from this world to the afterlife is the subject matter. Thus, the theme here is not—as the commentary suggests ("Auf fol. 161v ist der Tod der Gottesmutter dargestellt")—the death of Mary but her "transit". See *Das Perikopenbuch Kaiser Heinrichs II. Eine Handschrift zum virtuellen Blättern auf CD-ROM*, ed. Haus der Bayerischen Geschichte, Bayerische Staatsbibliothek München and MediaCircle (Regensburg and Augsburg, 2003).

[60] With the following hermeneutic reworking, the thesis described by Ohler in *Sterben und Tod im Mittelalter* (30) under the heading of "provisions in the prime of life" shall be elaborated, differentiated and modified: "*Mors certa, hora incerta*—into the modern era this saying was frequently inscribed on timepieces. Saint Christopher was depicted at prominent places such as churches, castles, houses, bridges and town gates, invoked as the patron saint against an evil, i.e. abrupt death. According to the legend, he requested from God assistance in dangerous situations for his venerators. For this reason it is believed that anyone who beholds devotionally the image of the saint in the morning is safe against sudden death for the day." A magical horizon seems to be evoked here. However, in the *Legenda aurea* there is no mention that Christopher "requested from God assistance in dangerous situations for his venerators." The question is if the *Legenda aurea* sought to inspire the veneration of the saints at all—was not the main concern rather to present the saints as role models? And is it not so that such an image of the saint is to inspire us to lead our lives in accord with the example embodied by the saint? Thus, was the point really only that—as Gerhard Winkler emphasizes—the "regular sight" of the "holy

Varying expectations of Christ in the world and while dying

> And I will serve thee no longer, go thy way then, for I will go seek Christ. And when he had long sought and demanded where he should find Christ, at last he came into a great desert, to an hermit that dwelt there, and this hermit preached to him of Jesu Christ and informed him in the faith diligently, and said to him: This king whom thou desirest to serve, requireth the service that thou must oft fast. And Christopher said to him: Require of me some other thing, and I shall do it, for that which thou requirest I may not do.

Instead of searching for the most powerful king, the hermit recommends fasting and prayer—'classical' moments of conversion. But the man abounding with vigour and in the full bloom of life has little understanding for this.

4.3 *Supporting the Dying*

But Christopher is ready to help those who find themselves in *transitus*, to support the dying:

> And then the hermit said to him: Knowest thou such a river, in which many be perished and lost? To whom Christopher said: I know it well. Then said the hermit, Because thou art noble and high of stature and strong in thy members, thou shalt be resident by that river, and thou shalt bear over all them that shall pass there, which shall be a thing right convenable to our Lord Jesu Christ whom thou desirest to serve, and I hope he shall show himself to thee. Then said Christopher: Certes, this service may I well do, and I promise to him for to do it. Then went Christopher to this river, and made there his habitacle for him.[61]

The prospect of Christ's revelation is held out—at the river, viz. when supporting the dying. This task is enormous, however; it demands a giant to overcome the depths of the dangers that lurk in the crossing—he needs a "great pole" as an aid.

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giant" was to preserve one from "sudden unprepared death"? Does not Winkler's simultaneous mentioning of the "elevation piety" and his reference to the connection with the provisions for the dying on their journey reveal that the point was not merely inspiring a piety based on the visual power of beholding? See Gerhard Winkler, "Die *ars moriendi* des Mittelalters zwischen Volksfrömmigkeit und kirchlicher Lehre", in *du guoter tôt. Sterben im Mittelalter—Ideal und Realität*, ed. Markus J. Wenninger (Klagenfurt, 1998), 5–6.

[61] Jacobus de Voragine, *Legenda aurea. Das Leben der Heiligen*, ed. Erich Weidinger (Aschaffenburg, 1986), 277–278.

> . . .and bare a great pole in his hand instead of a staff, by which he sustained him in the water, and bare over all manner of people without ceasing. And there he abode, thus doing, many days.[62]

This turn explains why the Grimm's dictionary lists under the term "Christoffel": "he had a Christoffel that bears him, *alieno auxilio potens*, he relies on others."[63] A "Christoffel" is thus one who embraces the Christian task of accompanying others on their way into the Hereafter.

4.4 *Bearing Christ While Dying*

Christopher himself then becomes the bearer[64] of Christ:

> And in a time, as he slept in his lodge, he heard the voice of a child which called him and said: Christopher, come out and bear me over. Then he awoke and went out, but he found no man. And when he was again in his house, he heard the same voice and he ran out and found nobody. The third time he was called and came thither, and found a child beside the rivage of the river, which prayed him goodly to bear him over the water. And then Christopher lift up the child on his shoulders, and took his staff, and entered into the river for to pass.[65]

The legend is thus not about entering and submerging in water (and accordingly it is not—as Aurenhammer believes—"to be understood symbolically as baptism through immersion"),[66] but the crossing of the dangerous waters between this world and the Hereafter. The danger resides—echoing the liturgical declaration that life is transformed and not taken away—in "getting stuck" and sinking.

> And the water of the river arose and swelled more and more: and the child was heavy as lead, and alway as he went farther the water increased and grew more, and the child more and more waxed heavy, insomuch that Christopher had great anguish and was afeard to be drowned. And when he was escaped with great pain, and passed the water, and set the child

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62 Ibid., 278.

63 Jacob and Wilhelm Grimm, *Deutsches Wörterbuch*, 2 (Leipzig, 1860, repr. München, 1984), 626.

64 Here is the expression "bearer of Christ" deliberate. In contrast, Aurenhammer formulates it so: "From the beginning the name Christopher appears to have been understood as the characterization for the true Christian, who bears Christ within . . . a meaning that remained prevalent into the High Middle Ages." Hans Aurenhammer, *Lexikon der christlichen Ikonographie* (Wien, 1959–1967), 1: 437. Christopher bears Christ, but he does not bear him within.

65 Jacobus de Voragine, *Legenda aurea. Das Leben der Heiligen*, 278.

66 Aurenhammer, *Lexikon der christlichen Ikonographie*, 438.

> aground, he said to the child: Child, thou hast put me in great peril; thou weighest almost as I had all the world upon me, I might bear no greater burden. And the child answered: Christopher, marvel thee nothing, for thou hast not only borne all the world upon thee, but thou hast borne him that created and made all the world, upon thy shoulders. I am Jesu Christ the king, to whom thou servest in this work. And because that thou know that I say to be the truth, set thy staff in the earth by thy house, and thou shalt see to-morn that it shall bear flowers and fruit, and anon he vanished from his eyes. And then Christopher set his staff in the earth, and when he arose on the morn, he found his staff like a palmier bearing flowers, leaves and dates.[67]

Christopher's staff turned into a palm[68] to signalize to those remaining in the world (Christopher has to return by way of the river) that it is true that the Hereafter is reached by mastering the dangers of the passage. Admittedly, it should not be ignored that the burden intruding on the dying "in the final hour" requires particular support. This support resembles though formally (see the tradition from the "staff" to "long pole") those which are needed to master crises during life. This means—translated back from the allegorical language—a culture of dying (but not the death-threat)[69] is also needed during life, but particularly during the final hours.[70] This culture of dying is classified—and here we have arrived at an important classification from the field of ritual research—as a "rite of passage".[71]

5. *Summary*

In summary this means that with a view to the Christopher portrayals on church exteriors or keeping in mind the version of the Christopher theme

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[67] Jacobus de Voragine, *Legenda aurea. Das Leben der Heiligen*, 278.

[68] "The palm as holy tree and tree of life was understood in the pagan triumphal and burial art as a sign of victory and heavenly reward. In this meaning it is since then in Christian art the symbol of life, victory, martyrdom and the martyrs (attribute of the palm branch), paradise . . ." Hans-Walter Storck, "Palme, Ikonographisch", in *Lexikon für Theologie und Kirche* (Freiburg i.Br., ^{3}1993–2001), 7: 1302.

[69] For the fearful effects of the immanence of death, see Hold: "Todesverständnisse und die Beziehung zwischen den Geschlechtern in der Neuzeit", *Revue d'histoire ecclésiastique* 88 (1996), 711–764.

[70] See Hold, "Gern zu sterben", 117–137.

[71] Hans Gerald Hödl, "Ritual (Kult, Opfer, Ritus, Zeremonie)", in *Handbuch Religionswissenschaft. Religionen und ihre zentralen Themen*, ed. J. Figl (Innsbruck, Wien and Göttingen, 2003), 664–689.

in the *Legenda aurea*, one can say that the Christian culture of dying is addressed in essential moments metaphorically or allegorically.

This also occurs in images,[72] and in this medium is particularly striking, for: "by beholding a Christopher image the believer is blessed with the guardianship of the saint (above all against sudden death)".[73] This could, however, be understood as magic.[74] Therefore understandable is the "criticism of the Reformation, above all by Luther (Tischreden, 6.Band: Von S. Christoph Legenden) and Erasmus of Rotterdam, whereby the Christopher legend is only as an allegory[75] of the Christian journey through life (through misery and temptation to Christ)."[76] Thus, the Christopher image and legend can be understood as a metaphor,[77] the formative character of which should not be underestimated.

5.1 *Demand For the Development of a Culture of Dying; Its Basic Traits*

For our line of inquiry into the rise and a passing of the terminal disposition we can summarize: is it possible to convey—with a formative intent—a Christian culture of dying without evoking the threat of death.

Admittedly it is "the more difficult way to ruminate on how the ship in distress can be safely piloted into the harbor." And Zulehner takes up this definition: "We have to learn the art of piloting."[78] The task is clear: it is not about leading someone into death, but—as Zulehner formulates it—to arrive in a harbor. Or put differently: dying is to be grasped not only as *ars dimittendi* but as *ars adventus*. Firstly, in this culture of dying death does not play the dominant role but rather the "conviction, as in numerous representations of the dying Christ . . . into the High Middle Ages, that death is definitively conquered through the Christ event."[79] Secondly, such a culture of dying shows the "high respect enjoyed by

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[72] "Colossal images of the giant Christopher on church walls are known since the early 11th century." Aurenhammer, *Lexikon der christlichen Ikonographie*, 1: 439.

[73] Ibid., 439.

[74] Aurenhammer verifies a "belief in a magic-protective effect": Ibid., 439.

[75] Indirectly this supports a non-magical but an allegorical interpretation.

[76] Ibid., 1: 439.

[77] I am indebted to Ms Mirja Kutzer, Institute for Catholic Theology at the Philosophical Faculty of the University of Cologne, for pointers as to what extent the Christopher legend and image may be grasped as "metaphor".

[78] Zulehner, *Jedem seinen eigenen Tod*, 36.

[79] Mühling, "Vom Leichnam zum Leben", 164. "The crucified is depicted as victorious son of God and conqueror of death whose sovereign pose and opened eyes symbolizes the monumental triumph over death. In addition to the motifs of the 'crux invicta' oriented on the Roman cult of the ruler, iconography of the Middle Ages occasionally included the

the dying person", which is "also discernible in how his last words were accorded an almost supernatural meaning. They were assigned the power of prophecy and they had the character of a testament that was to comfort the mourners."[80] Third, "the most striking feature of the dying event was the simplicity and implicitness, with which it occurred, without dramatic character, without excessive emotional stirring, but as in a ceremony, integrated into the community and without fear."[81]

motif of death in the form of the vanquished dragon, a serpent, as well as a skull at the foot of the cross." See Mühling, 164.

[80] Mischke, *Umgang mit dem Tod*, 42.

[81] Ibid., 42.

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Adam Weinheimer, *Beicht=Spiegel/* Das ist: Christlicher Unterricht von der Beicht und Absolution/ sampt rechtem Gebrauch deß heiligen Abendmahls [. . .] (Stuttgart, 1654).

Albrecht von Eyb, *Ehestandsbüchlein*, (Nürnberg, 1472).

Alt=Catholischer Lutheraner, Das ist: Handgreiflicher Beweiß Aus den Schriften Lutheri, Daß Kein Lutheraner den Catholischen Römischen Glauben annehmen und offentlich profitiren könne, Ohne Himmel=weit von der reinen Lehr des Herrn Lutheri abzuweichen. In einem Gespräch zwischen einem abgewichenen und beständigen Lutheraner, Bonifacio und Fideli, vorgestellt, Und dem so genannten Catholischen Lutheraner bescheidentlich entgegen gestellet (Frankfurt/ Leipzig, 1736).

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